

**MEETING TO BE
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**AGENDA FOR A BUSINESS SESSION MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR MUNICIPAL BUILDING
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN**

March 9, 2026

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice – January 23, 2026 to The Times and the Princeton Packet, filed with the Municipal Clerk and posted at the Municipal Building and on the Township web-site.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration
 - Proclamation for Women’s History Month
 - Proclamation for Colon Cancer Month
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings
 - 2026-02 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY AMENDING THE BULK & USE STANDARDS IN THE B-2A DISTRICT AND THE SCHEDULE OF OFF-STREET PARKING REQUIREMENTS
 - 2026-03 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE R-5E ZONING DISTRICT (200-189.4)

- 2026-04 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE R-5F ZONING DISTRICT (200-189.5)
- 2026-05 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE BULK & USE STANDARDS IN THE R-5G ZONING DISTRICT (200-189.6)
- 2026-06 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE BULK & USE STANDARDS IN THE R-5H ZONING DISTRICT (200-189.7)
- 2026-07 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE BULK & USE STANDARDS IN THE R-5I ZONING DISTRICT (200-189.8)
- 2026-08 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE BULK & USE STANDARDS IN THE R-5J ZONING DISTRICT (200-189.9)
- 2026-09 ORDINANCE TO AMEND AND SUPPLEMENT THE PRINCETON JUNCTION REDEVELOPMENT PLAN REGULATORY PROVISIONS TO CREATE THE RP-7A & RP-7B ZONING DISTRICTS OF THE PRINCETON JUNCTION REDEVELOPMENT PLAN CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)

11. Consent Agenda

- 2026-R060 Approving the Refund of Permit Fee for a Roof Replacement to Treps Roofing Inc. in the Amount of \$425.00
- 2026-R061 Approving the Refund for a Duplicate Permit Fee for a Radon System Vent to Soos Radon & Electric, Inc. in the Amount of \$250.00

A. Resolutions

B. Minutes

February 9, 2026 - Business Session

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

- 2026-R062 Authorizing the Appointment of Sugirtha Arunagiri as a Student Member of the Human Relations Council with a Term to Expire on January 14, 2027
- 2026-R063 Authorizing the Mayor and Clerk to Execute Amendment #1 to the Professional Services Agreement with Spiezle Architectural Group, Inc. in the Amount of \$1,200.00 to Cover Additional Work for the Installation of a Fire Suppression Sprinkler System and Associated Fire Alarm at the West Windsor Township Fire-EMS Facility for a Total Not to Exceed \$34,920.00
- 2026-R064 Authorizing the Mayor and Clerk to Execute a Contract for the 2025 Sewer Storm Repairs with PM Construction at Various Locations Project-\$759,345.00
- 2026-R065 Authorizing the Second Increase of Contract Amount with Scheideler Excavating Company, Inc. for Snow Removal Services in the amount of \$300,000.00 for a Revised Contract Total of \$490,000.00

14. Introduction of Ordinances

- 2026-11 AN ORDINANCE REPEALING AND REPLACING CERTAIN SECTIONS IN PART 3, SUBDIVISION AND SITE PLAN PROCEDURES, AND PART 4, ZONING, ARTICLE XXXI, "GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES," AND REPLACING THEM WITH PROVISIONS IMPLEMENTING THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND AMENDED FAIR HOUSING ACT

Public Hearing: March 30, 2026

15. Additional Public Comment (15 minutes comment period; three-minute limit per person)
16. Council Reports/Discussion/New Business
17. Administration Updates
18. Closed Session
19. Adjournment

REQUEST FOR COUNCIL ACTION

Date of Request: January 28, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance amending the bulk and use standards in the B-2A district and the schedule of off-street parking requirements.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from David Novak (Burgis & Associates) with maps
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

[Signature] 1/28/26 Samuel J. Surtees
Department/Division Head Date

APPROVED FOR AGENDA OF: February 9, 2026

By: Marlena A. Schmid 02/04/2026
Marlena Schmid, Business Administrator

MEETING DATE: 2/9/26 Ordinance # 2026-02 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE 2026-02

TOWNSHIP OF WEST WINDSOR ORDINANCE TO
AMEND AND SUPPLEMENT CHAPTER 200
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
BY AMENDING THE BULK & USE STANDARDS IN THE B-2A DISTRICT
AND THE SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVIII, Use and Bulk Regulations for Business Districts, Section 200-202.1, B-2A Business District (neighborhood center) use regulations, Subsection A., Permitted uses, is hereby amended as follows. Added text is underlined, and text to be eliminated is ~~struck through~~.

- A. Permitted uses. In a B-2A District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses, and all such uses shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter.
- (1) Stores and shops for the conduct of any retail business (including curbside pickup for the sale of items not otherwise prohibited in this section).
 - (2) Personal service establishments (e.g., a tailor, barbershop or beauty salon).
 - (3) Offices for professional and medical services (e.g., physicians, lawyers or architects); commercial offices (e.g., realtors or travel agencies); and offices incidental to uses permitted in this subsection.
 - (4) Restaurants and neighborhood taverns, including curbside pickup and drive-through establishments.
 - (5) Fast-food operations with or without drive-throughs.
 - (6) Branch banks with or without drive-throughs.

(7) Gasoline service stations in conjunction with a convenience store.

(8) Car washes.

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVIII, Use and Bulk Regulations for Business Districts, Section 200-202.1, B-2A Business District (neighborhood center) use regulations, Subsection C., Accessory uses, is hereby amended as follows. Added text is underlined, and text to be eliminated is ~~struck through~~.

C. Accessory uses in the B-2A District. In a B-2A District, the following uses may be permitted as accessory uses:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Street furnishings, planters, streetlights, and exterior garden-type shade structures.
- (4) Fences and walls.
- (5) Trash, recycling, and refuse enclosures.
- (6) Maintenance sheds.
- (7) Electric vehicle charging stations.
- (8) The sale and exchange of prefilled and empty propane cylinders, as accessory to a gasoline service station.
- (9) Car washes, as accessory to a gasoline service station.
- (10) Air pumps and vacuums, as accessory to a gasoline service station and/or a car wash.
- (11) Emergency generators, with an appropriate visual and sound-attenuating enclosure.

Section 3. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVIII, Use and Bulk Regulations for Business Districts, Section 200-202.2, B-2A Business District bulk and area

restrictions, Subsection D., Standards for accessory buildings and structures, is hereby amended as follows. Added text is underlined, and text to be eliminated is ~~struck through~~.

D. Standards for accessory buildings and structures:

- (1) All accessory uses and elements shall complement the architectural design style, type, color, and/or materials of the building(s) and the overall project design.
- (2) Accessory buildings and structures shall be required to meet the front yard requirement for principal buildings and structures as required herein, unless otherwise noted.
- (3) Accessory structures shall be permitted to have a side or rear yard setback of two feet to adjoining properties located in the same zoning district.
- (4) Accessory structures shall be required to meet the side and rear yard setback requirements identified in Subsection C above if abutting a property zoned or utilized for residential purposes.
- (5) Electric vehicle charging stations, transformers, and other similar utility structures are exempt from the front yard setback requirement.
- (6) Backup generators. Permanent backup generators shall be provided for any gas station/convenience store. Generators shall be tied into natural gas if natural gas is available. Should natural gas not be available to the site, propane generators shall be required.
- (7) Generators shall be required to meet the front yard setback, unless otherwise appropriately landscaped as determined by the Planning Board.
- (8) Vacuums associated with a car wash may be permitted to extend 7 feet in a required front yard setback, provided they are appropriately landscaped as determined by the Planning Board.

Section 4. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVIII, Use and Bulk Regulations for Business Districts, Section 200-202.2, B-2A Business District bulk and area restrictions, Subsection J., Car Washes, is hereby created as follows.

J. Car washes.

- (1) Minimum distance between any car wash queuing lane and any adjoining district boundary line: 25 feet.
- (2) Any car wash shall have a minimum queuing length to accommodate at least 12 vehicles.
- (3) Access to and from car wash facilities shall not be permitted onto public streets. Such access shall be provided from the internal road network servicing the development. Ingress and egress points shall be coordinated so as not to impede the main traffic flow required for the development.

Section 5. Chapter 200 of said Code, Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-27, Circulation and Parking, Subsection B., Schedule of off-street parking requirements, Item (1), Motor vehicle requirements, hereby amended by adding the following requirement for car washes.

Land or Building Use	Minimum Standards
Car wash	1 space per every full-time employee and 2 spaces per every part-time employee on the largest shift, provided that there shall be a minimum of 10 spaces.

Section 6. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 7. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

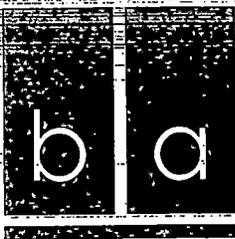
Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

B U R G I S
ASSOCIATES, INC.

MEMORANDUM

To: West Windsor Township Council
From: David Novak PP, AICP
Subject: B-2A Business District (Neighborhood Center)
Draft Zoning Amendment
Date: January 29, 2026
BA#: 4411.03

The following memorandum provides a brief summary of the proposed zoning amendments to the B-2A Business District (Neighborhood Center).

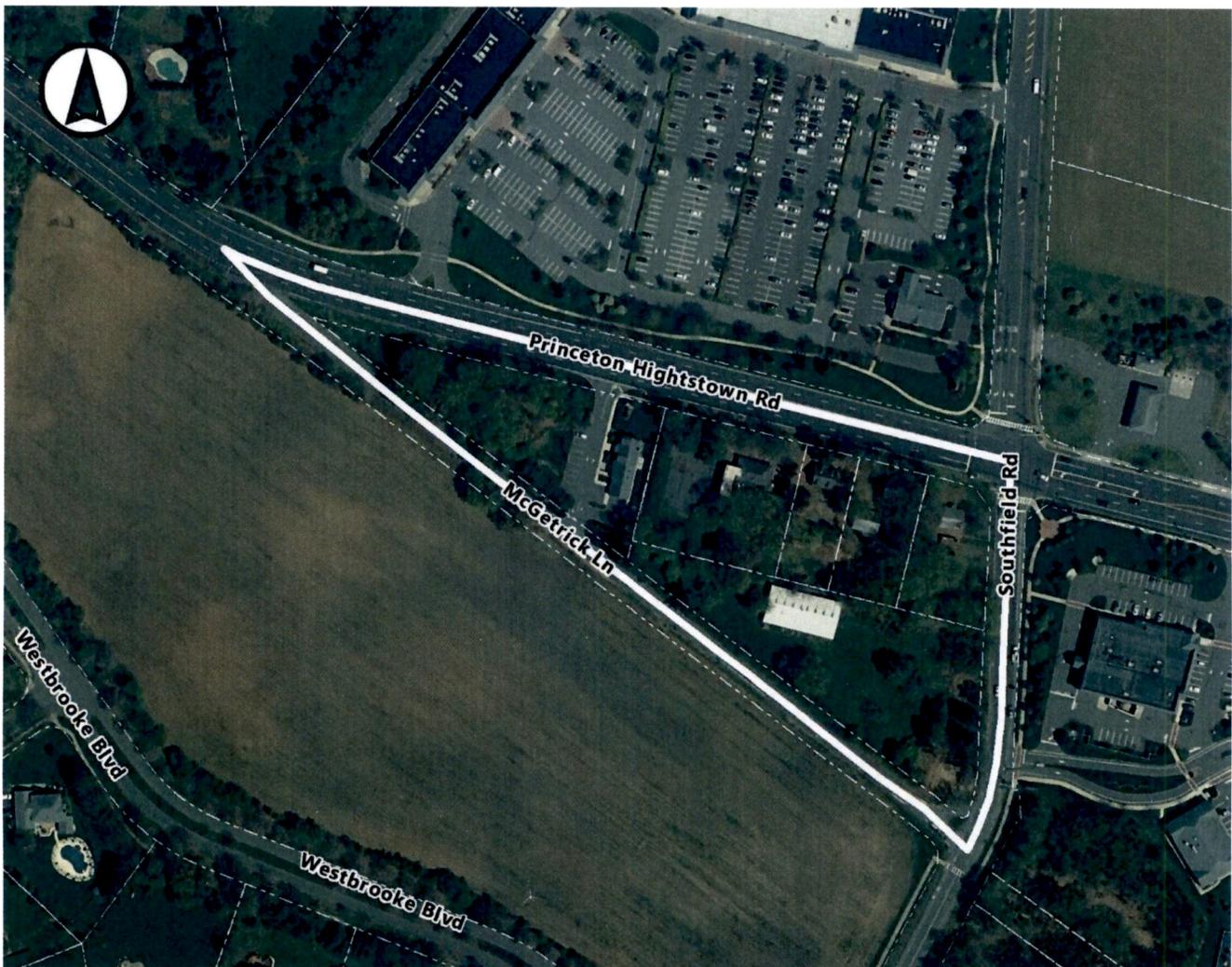
By way of background, this district is located in the easterly portion of the Township at the southwesterly corner of Princeton Hightstown Road and Southfield Road. It comprises Block 47 Lots 1, 2, 3, 4, 5, and 6. Lot 1 is presently developed with a dental office, while Lots 2, 3, 4, 5, and 6 previously received site plan approval for the development of a QuickChek retail convenience store with fueling stations as well as a drive-through restaurant.

The drive-through restaurant is no longer proposed. The applicant has subsequently requested a rezoning to permit a car wash in its stead. Accordingly, the following ordinance changes are proposed to accommodate this development.

1. List of Permitted Uses. The list of permitted uses as established by Section 200-202.1A. has been revised to permit car washes.
2. List of Accessory Uses. The list of accessory uses as established by Section 200-202.1C. has been revised to permit air pumps and vacuums as an accessory to gasoline service stations as well as car washes. Previously, these structures were only identified as accessory uses for gasoline service stations.
3. Standards for Accessory Uses. The standards for accessory uses as established by Section 200-202.2D. have been updated to include vacuums. Vacuums associated with a car wash may be permitted to extend seven (7) feet in a required front yard setback, provided they are appropriately landscaped as determined by the Planning Board.



4. Additional Standards for Car Washes. A new Item J. is proposed in Section 200-202.2 which establishes additional standards for car washes. These standards are somewhat similar to those already established for restaurants and bank with drive-throughs in the district. They are as summarized as follows:
 - a. A minimum distance of 25 feet is proposed between any car wash queuing lane and any adjoining district boundary line.
 - b. A minimum queuing length of at least 12 vehicles is proposed for car washes.
 - c. It is proposed that access to and from car wash facilities must be provided internally as opposed to from public streets.
5. Parking Standard. The Township does not presently establish any parking standards for car washes. Accordingly, such a standard has been proposed. This proposed standard requires 1 space per every full-time employee and 2 spaces per every part-time employee on the largest shift, provided that there shall be a minimum of 10 spaces.





Map 02: Aerial of the Proposed B-2A District

Project No.	Date	Drawn By
3688.10	04.21.21	DN

BURGIS ASSOCIATES, INC.
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE
 25 Westwood Avenue Westwood, New Jersey 07675
 p. 201.666.1811 f. 201.666.2599

Project Title:
Proposed B-2A District
 Township of West Windsor | Mercer County, New Jersey

Scale	Drawn No.
1" = 225'	Map 02

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Princeton

Township of
Plainsboro



Legend

 Proposed B-2A District

Source 1: Parcel data from NJGIN Open Data, NJGIS.
Source 2: Street data from NJGIN Open Data, NJGIS.
Source 3: Zoning data from Township of West Windsor.

Map Title

Map 01: Location of the Proposed B-2A District

Project No.	Date	Drawn By
3688.10	04.21.21	DN

ba BURGIS ASSOCIATES, INC.
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE
 25 Westwood Avenue
 Westwood, New Jersey 07675
 p: 201.666.1811
 f: 201.666.2599

Project Title:
Proposed B-2A District
 Township of West Windsor | Mercer County, New Jersey

Scale	Map No.
1" = 4,500'	Map 01

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MULLER & BAILLIE, P.C.
196 Princeton-Hightstown Road
Bldg. 1, Ste. 13
West Windsor, New Jersey 08550

Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
gmuller@mullerbaillielaw.com

February 19, 2026

Sent via Electronic Transmission

Ms. Allison D. Sheehan
West Windsor Township Clerk
271 Clarksville Road
Princeton Junction, NJ 08550

Re: Referral of Ordinances 2026-02 through -09 to Planning Board

Dear Allison:

On February 18, 2026, the Planning Board reviewed the above-referenced ordinances. By an 8-0 vote with no abstentions, it determined that Ordinances 2026-03 through -09 were consistent with the Master Plan. By a vote of 7-1, with no abstentions, it determined that Ordinance 2026-02 was consistent with the Master Plan.

Very truly yours,

Muller & Baillie, PC.
West Windsor Township
Planning Board Attorneys



By: Gerald J. Muller

REQUEST FOR COUNCIL ACTION

Date of Request: January 28, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance establishing the bulk and use standards in the R-5E district.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from David Novak (Burgis & Associates) with maps dated January 16, 2026
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Samuel J. Surtees 1/28/26 Samuel J. Surtees
Department/Division Head Date

APPROVED FOR AGENDA OF: February 9, 2026

By: Marlena Schmid 02/04/2026
Marlena Schmid, Business Administrator

MEETING DATE: 2/9/26 Ordinance # 2026-03 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE 2026-03

TOWNSHIP OF WEST WINDSOR ORDINANCE TO
AMEND AND SUPPLEMENT CHAPTER 200
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
BY CREATING THE R-5E ZONING DISTRICT (200-189.4)

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishments of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line “R-5D Residence Affordable Housing” the following:

R-5E Residence Affordable Housing

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of District; General Conditions, Section 200-143, Zoning Map, is amended to read as follows:

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated July 12, 2021, and revised through March 9, 2026, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. An official copy of said Map, indicating the latest amendments shall be kept up to date in the Office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. The Zoning Map of the Township of West Windsor is hereby amended to change the zoning designation of Block 7.04 Lot 1 to the R-5E District.

Section 4. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, is hereby amended by adding the following new Section 200-189.4.

§ 200-189.4 R-5E Residence District use, bulk and other regulations:

- A. Purpose. The R-5E Residence (R-5E) District is intended to encourage the reutilization of Block 7.04 Lot 1 with a mix of residential development with appropriately small-scaled and compatible commercial development with convenient access to the US Route 1 corridor and surrounding commercial centers.
- B. Planned commercial development, development application requirements and required uses. Any development application in the R-5E District shall be submitted as a planned development by way of a preliminary site plan application for the entire district. Such application shall describe any phasing of the proposal, together with any onsite and off-tract improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approval with respect to such phase or phases. The following shall apply:
- (1) A R-5E development shall be subject to the requirements of this section and to the mandatory findings for a planned development as required by the Municipal Land Use Law, N.J.S.A. 40:55D-45.
 - (2) Up to a maximum of 650 residential units, market and affordable, shall be provided in one or more buildings.
- C. Principal permitted uses. In the R-5E District, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses:
- (1) Neighborhood retail uses providing for the sale of goods and services, not exceeding 5,000 square feet of floor area, including, but not limited to, convenience food stores, pharmacies, restaurants (excluding drive-through facilities), cafes, luncheonettes and delicatessens, indoor recreation facilities, including instructional studios and fitness centers, attended laundry and retail dry-cleaning services (not including bulk processing and, in case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises), book, newspaper, periodical and stationary stores, copy centers, parcel package shipping stores or mailing

centers, bicycle shops and bicycle rental facilities, banks, and personal services establishments (e.g. barber or beauty salon and spa and massage services).

- (2) General and administrative offices and professional offices (e.g., physicians, lawyers and architects); small commercial offices (e.g., realtors and travel agencies); and offices incidental to uses permitted in this section.
- (3) Multi-family dwellings. The residential units shall be subject to a twenty-five percent (25%) low-and moderate-income housing set aside in accordance with Subsection I.

D. Permitted accessory uses.

- (1) Exterior recreational facilities and uses including, but not limited to swimming pools, gazebos, pavilions, kitchens, BBQ and/or fire pits, seating areas, community gardens, sport courts, putting greens, dog parks/runs, walking paths, and rooftop amenity spaces.
- (2) Interior and exterior amenities including, but not limited to lobbies, fitness facilities, club rooms, lounges, libraries, business centers, game rooms, billiard rooms, recreation rooms, private theater rooms, community kitchens for tenant use, locker rooms, mail rooms, package storage areas, valet spaces, leasing/management offices, maintenance rooms, private storage areas, and mechanical equipment/rooms.
- (3) Waste and recycling receptables, storage areas, and/or enclosure areas.
- (4) Signs.
- (5) Fences.
- (6) Retaining walls.
- (7) Temporary leasing and construction trailers.
- (8) Generators.
- (9) Off-street parking and loading, including structured and/or garage parking.

- (10) A maintenance building for snow removal and other maintenance equipment customarily incidental to multifamily residential use.
 - (11) Above and/or below ground detention basins, retention basins, and/or stormwater management uses and/or structures which shall have no buffer or setback requirements except along the US Route 1 corridor.
 - (12) Above or below-ground utilities including but not limited to sanitary sewer pump station, cable television and telephone boxes, manholes, fire hydrants, electrical transformers, and other utilities that are customary to a residential development of this type.
 - (13) Accessory uses and buildings customarily associated with residential uses
- E. Minimum tract size. The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
 - F. Maximum permissible development density. 28.5 units per acre, which shall result in a maximum of 650 residential units.
 - G. Location of nonresidential uses. Non-residential uses shall be located on the ground floor of buildings.
 - H. Maximum improvement coverage. The maximum improvement coverage shall be fifty-five percent (55%).
 - I. Twenty-five percent of the residential component shall be low-and moderate-income housing meeting all of the applicable standards and requirements for affordable units, including those set forth in Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., and Section 200-237 of the Code. At least fifty percent (50%) of the affordable units shall be made affordable to low-income households and at least thirteen percent (13%) of affordable units shall be made affordable to very low-income households earning thirty percent (30%) or less of the regional median household income by household size, which very low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households. The affordable units shall be located on site and shall be reasonably dispersed throughout each residential building phased in accordance with the affordable housing construction schedule set forth in N.J.A.C. 5:97-6.4(d). The state-

wide non-residential development fee shall apply to the non-residential portion of the development to the extent it includes other than residential uses.

J. Building standards.

- (1) Building heights shall not exceed six (6) stories and seventy (70) feet.
- (2) Yard dimensions:
 - [a] Front yard. One hundred and twenty-five (125) feet.
 - [b] Side yard: Forty (40) feet.
 - [c] Rear yard: Forty (40) feet.
- (3) Buffer requirements:
 - [a] Along the US Route 1 Corridor. A buffer of 75 feet or no closer than the line of improvement coverage existing at the date of the adoption of this ordinance, whichever is less.
 - [b] Along Nassau Park Boulevard. A buffer of 120 feet as measured from the curb line
 - [c] Along the Northerly Access Drive. A buffer of 30 feet as measured from the curb line.

K. Required off-street and on-street parking.

- (1) The off-street parking standards set forth in § 200-27B shall apply, except as follows:
 - [a] The number of residential parking spaces shall be provided at a standard of 1.7 parking spaces per unit.
 - [b] Off-street parking for all retail, personal service business or office uses shall be a minimum of one space per each 500 square feet of gross floor area. The applicant shall demonstrate that parking is sufficient for each use.

[c] Amenity uses for residents only shall not have an off-street parking requirement.

(2) Parking spaces shall be permitted in any yard.

L. Pedestrian and bicycle accessibility.

(1) The applicant shall provide paved pedestrian linkages to those portions of Nassau Park and Nassau Pavilion proximate to the project.

(2) Safe and secure (enclosed) bicycle parking shall be provided.

M. Architectural design standards and guidelines.

(1) Buildings shall generally relate in scale to the surroundings buildings in the development. Buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by extending horizontal lines of fenestration; and by reflecting select architectural styles and details, design themes, building materials, and colors used in surrounding buildings.

(2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies, and signs, recesses, and changes in floor level, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

(3) The architectural treatment of the front façade shall be continued in its major features around all visible exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Blank wall or service area treatment of side and rear elevations visible from the public views is discouraged.

(4) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned wherever possible. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.

- (5) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades or others, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of the building as a whole, as shall the doors.
- (6) Heating, ventilating and air-conditioning (HVAC) systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated or placed to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
- (7) Street furniture such as benches, streetlamps, bicycle racks, receptacles for litter, including mandatory recycling receptacles, bus stops, landscape planters and hanging baskets shall be provided, if applicable. A standard street furnishing plan shall be established for the entire district. Options shall be established in order to permit variety. Furnishings manufactured from recycled materials shall be considered. Furnishings manufactured from local or regional sources shall be considered.

N. Snow storage and removal. Procedures for snow storage and removal shall be identified on the site plan.

Section 5. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 6. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

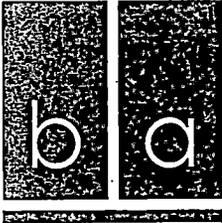
Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: West Windsor Township Council
From: David Novak PP, AICP
Subject: 2026 Housing Element and Fair Share Plan (HE&FSP)
Inclusionary Multifamily Residential Zoning Ordinances
Date: January 28, 2026
BA#: 4173.15

Introduction

The following memorandum provides a brief summary of the inclusionary multifamily residential zoning ordinances which have been prepared in conjunction with the 2026 Housing Element and Fair Share Plan (HE&FSP). These ordinances include the following:

1. Draft R-5E District;
2. Draft R-5F District;
3. Draft R-5G District;
4. Draft R-5H District;
5. Draft R-5I District;
6. Draft RP-7A and RP-7B District, and;
7. Draft R5-J District.



Draft R-5E District Ordinance

This ordinance is intended to rezone Block 7,04 Lot 1 from the ROM-1 District to a new R-5E Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 29.2 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 650 residential units, including 163 affordable units.

Draft R-5F District Ordinance

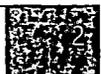
This ordinance is intended to rezone Block 86 Lot 58.02 from the B-2 District to a new R-5F Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 24 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 35 residential units, including 9 affordable units.

Draft R-5G District Ordinance

This ordinance is intended to rezone Block 7 Lots 9.01 and 31 from the R-2 District to a new R-5G Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 15.6 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 80 residential units, including 20 affordable units.

Draft R-5H District Ordinance

This ordinance is intended to rezone Block 9 Lots 83, 84, and 85 from the ROM-1 District to a new R-5H Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 11.8 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 326 residential units, including 82 affordable units.



Draft R-5I District Ordinance

This ordinance is intended to rezone Block 7.15 Lot 12.09 from the ROM-1 District to a new R-5I Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 27.5 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 275 residential units, including 69 affordable units.

Draft RP-7A and RP-7B District Ordinance

This ordinance is intended to rezone Block 5 Lot 20 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7A Princeton Junction Redevelopment Plan District, as well as rezone Block 5 Lots 62 and 76 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7B Princeton Junction Redevelopment Plan District.

In regard to the RP-7A District, the draft ordinance offers several changes from the RP-7 District regulations. Most notably, the RP-7A District establishes a maximum density of 8.5 units per acre (whereas the RP-7 District does not establish a density requirement) and permits ground floor residential dwelling units for new buildings (whereas the RP-7 District only permits upper story apartments). It is anticipated that this district can accommodate 26 residential units, including 6 affordable units.

In regard to the RP-7B District, the draft ordinance is designed to encourage an inclusionary multifamily development. It permits a maximum density of 25 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 37 total units, including 10 affordable units.

Draft R-5J District Ordinance

This ordinance is intended to rezone Block 8 Lots 17, 24, and 30 from the B-2 District to a new R-5J Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 17.4 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 216 residential units, including 54 affordable units.





1 inch = 200 feet

R-5E Draft Ordinance - BMS

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196 Princeton-Hightstown Road
Bldg. 1, Ste. 13
West Windsor, New Jersey 08550

Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
gmuller@mullerbaillielaw.com

February 19, 2026

Sent via Electronic Transmission

Ms. Allison D. Sheehan
West Windsor Township Clerk
271 Clarksville Road
Princeton Junction, NJ 08550

Re: Referral of Ordinances 2026-02 through -09 to Planning Board

Dear Allison:

On February 18, 2026, the Planning Board reviewed the above-referenced ordinances. By an 8-0 vote with no abstentions, it determined that Ordinances 2026-03 through -09 were consistent with the Master Plan. By a vote of 7-1, with no abstentions, it determined that Ordinance 2026-02 was consistent with the Master Plan.

Very truly yours,

Muller & Baillie, PC.
West Windsor Township
Planning Board Attorneys



By: Gerald J. Muller

REQUEST FOR COUNCIL ACTION

Date of Request: January 28, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance establishing the bulk and use standards in the R-5F district.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from David Novak (Burgis & Associates) with maps dated January 16, 2026
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Samuel J. Surtees 1.28.26 Samuel J. Surtees
Department/Division Head Date

APPROVED FOR AGENDA OF: February 9, 2026

By: Marlena Schmid 02/04/2026
Marlena Schmid, Business Administrator

MEETING DATE: 2/9/26 Ordinance # 2026-04 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE 2026-04

TOWNSHIP OF WEST WINDSOR ORDINANCE TO
AMEND AND SUPPLEMENT CHAPTER 200
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
BY CREATING THE R-5F ZONING DISTRICT (200-189.5)

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishments of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line "R-5E Residence Affordable Housing" the following:

R-5F Residence Affordable Housing

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of District; General Conditions, Section 200-143, Zoning Map, is amended to read as follows:

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated July 12, 2021, and revised through March 9, 2026, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. An official copy of said Map, indicating the latest amendments shall be kept up to date in the Office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. The Zoning Map of the Township of West Windsor is hereby amended to change the zoning designation of a Block 86 and a portion of Lot 58.02 to the R-5F District as shown on the attached condo plan.

Section 4. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, is hereby amended by adding the following new Section 200-189.5.

§ 200-189.5 R-5F Residence District use, bulk and other regulations.

- A. Purpose. The R-5F Residence (R-5F) District is intended to encourage the production of very -low, low-, and moderate -income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting an inclusionary multifamily development subject to the following regulations.
- B. Principal permitted uses. In the R-5F District, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses:
- (1) Multi-family dwellings. The residential units shall be subject to a twenty-five percent (25%) low-and moderate-income housing set aside in accordance with Subsection G.
- C. Permitted accessory uses.
- (1) Recreational, clubhouse, swimming pool, recycling buildings, and open space facilities, including, but not limited to, walkways, courtyards, plazas, community centers , and community gardens.
 - (2) Amenity space on the ground floor of buildings for use by residents.
 - (3) Off-street parking and loading designed in an aesthetically appealing manner in terms of layout and materials.
 - (4) Signs.
 - (5) Street furniture, planters, approved public art elements, gazebos, park shelters, information kiosks, and waste/recycling receptacles.
 - (6) Fences and walls which shall complement the architectural style, type and design of the building and the overall project design. Such fences and walls shall be constructed in accordance with a fence and wall design plan approved by the board of jurisdiction.

- (7) Decks, patios and terraces, which shall complement the architectural style, type and design on the building and the overall project design. Such features shall be constructed in accordance with a deck, patio and terrace design plans approved by the board of jurisdiction.
 - (8) Garages for use by residential tenants.
 - (9) Accessory uses and buildings customarily associated with residential uses.
- D. Minimum tract size. The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
- E. Maximum permissible development density. 24 units per acre as measured by the district boundary line, which shall result in a maximum of 35 residential units.
- F. Maximum improvement coverage. The maximum improvement coverage shall be sixty-five percent (65%) of the district.
- G. Twenty-five percent of the residential component shall be low-and moderate-income housing meeting all of the applicable standards and requirements for affordable units, including those set forth in Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., and Section 200-237 of the Code. At least fifty percent (50%) of the affordable units shall be made affordable to low-income households and at least thirteen percent (13%) of affordable units shall be made affordable to very low-income households earning thirty percent (30%) or less of the regional median household income by household size, which very low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households. The affordable units shall be located on site and shall be reasonably dispersed throughout each residential building phased in accordance with the affordable housing construction schedule set forth in N.J.A.C. 5:97-6.4(d). The state-wide non-residential development fee shall apply to the non-residential portion of the development to the extent it includes other than residential uses.
- H. Building standards.
- (1) Building heights shall not exceed four (4) stories and sixty (60) feet.
 - (2) Yard dimensions:

[a] Front yard. Thirty (30) feet.

[b] Side yard: Forty (40) feet.

[c] Rear yard: Forty (40) feet.

I. Required off-street and on-street parking. The number of residential parking spaces shall conform to the requirements of the Residential Site Improvement Standards (RSIS).

J. Safe and secure (enclosed) bicycle parking shall be provided.

K. Architectural design standards and guidelines.

(1) Buildings shall generally relate in scale to the surroundings buildings. Buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by extending horizontal lines of fenestration; and by reflecting select architectural styles and details, design themes, building materials, and colors used in surrounding buildings.

(2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies, and signs, recesses, and changes in floor level, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

(3) The architectural treatment of the front façade shall be continued in its major features around all visible exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Blank wall or service area treatment of side and rear elevations visible from the public views is discouraged.

(4) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned wherever possible. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.

- (5) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades or others, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of the building as a whole, as shall the doors.
- (6) Heating, ventilating and air-conditioning (HVAC) systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated or placed to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.
- (7) Street furniture such as benches, streetlamps, bicycle racks, receptacles for litter, including mandatory recycling receptacles, bus stops, landscape planters and hanging baskets shall be provided, if applicable. A standard street furnishing plan shall be established for the entire district. Options shall be established in order to permit variety. Furnishings manufactured from recycled materials shall be considered. Furnishings manufactured from local or regional sources shall be considered.

L. Snow storage and removal. Procedures for snow storage and removal shall be identified on the site plan.

Section 5. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 6. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

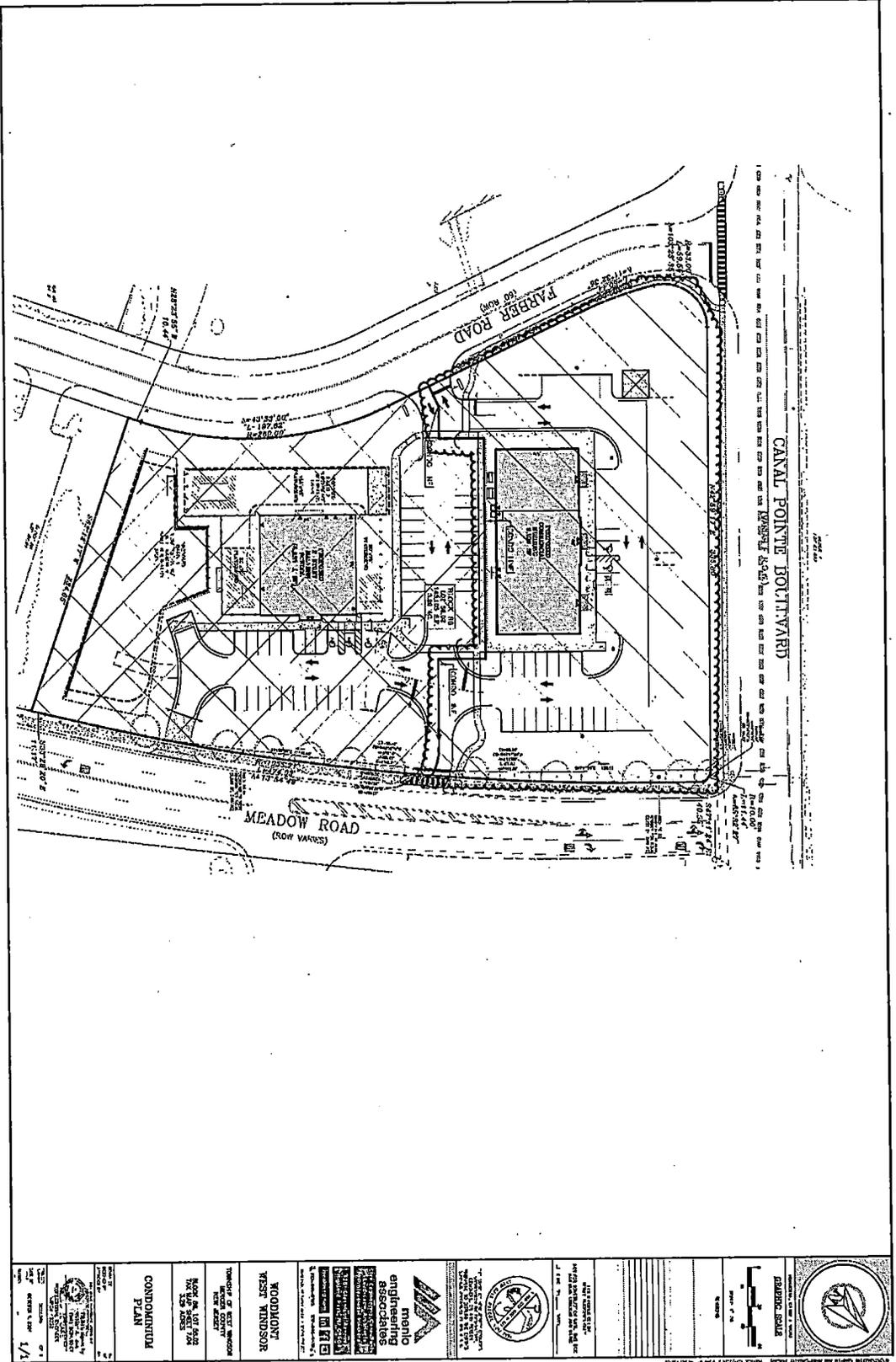
Planning Board Approval:

Public Hearing:

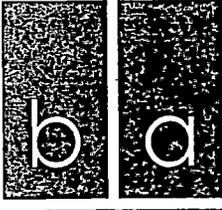
Adoption:

Mayor Approval:

Effective Date:



	M. M. Manning M. M. Manning engineering architects interior designers landscape architects interior designers landscape architects	WOODHONT YESA WINDSOR ARCHITECTS 1000 N. W. 10th St. Ft. Lauderdale, FL 33304 Phone: (305) 555-1234	TITLE: COMPLETION PLAN DATE: 1/1/2000 SCALE: 1/4" = 1'
	PROJECT NO. 12345 SHEET NO. 1/1	PREPARED BY: YESA WINDSOR CHECKED BY: YESA WINDSOR DATE: 1/1/2000	APPROVED BY: M. M. Manning DATE: 1/1/2000



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: West Windsor Township Council
From: David Novak PP, AICP
Subject: 2026 Housing Element and Fair Share Plan (HE&FSP)
Inclusionary Multifamily Residential Zoning Ordinances
Date: January 28, 2026
BA#: 4173.15

Introduction

The following memorandum provides a brief summary of the inclusionary multifamily residential zoning ordinances which have been prepared in conjunction with the 2026 Housing Element and Fair Share Plan (HE&FSP). These ordinances include the following:

1. Draft R-5E District;
2. Draft R-5F District;
3. Draft R-5G District;
4. Draft R-5H District;
5. Draft R-5I District;
6. Draft RP-7A and RP-7B District, and;
7. Draft R5-J District.



Draft R-5E District Ordinance

This ordinance is intended to rezone Block 7,04 Lot 1 from the ROM-1 District to a new R-5E Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 29.2 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 650 residential units, including 163 affordable units.

Draft R-5F District Ordinance

This ordinance is intended to rezone Block 86 Lot 58.02 from the B-2 District to a new R-5F Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 24 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 35 residential units, including 9 affordable units.

Draft R-5G District Ordinance

This ordinance is intended to rezone Block 7 Lots 9.01 and 31 from the R-2 District to a new R-5G Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 15.6 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 80 residential units, including 20 affordable units.

Draft R-5H District Ordinance

This ordinance is intended to rezone Block 9 Lots 83, 84, and 85 from the ROM-1 District to a new R-5H Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 11.8 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 326 residential units, including 82 affordable units.



Draft R-5I District Ordinance

This ordinance is intended to rezone Block 7.15 Lot 12.09 from the ROM-1 District to a new R-5I Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 27.5 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 275 residential units, including 69 affordable units.

Draft RP-7A and RP-7B District Ordinance

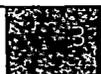
This ordinance is intended to rezone Block 5 Lot 20 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7A Princeton Junction Redevelopment Plan District, as well as rezone Block 5 Lots 62 and 76 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7B Princeton Junction Redevelopment Plan District.

In regard to the RP-7A District, the draft ordinance offers several changes from the RP-7 District regulations. Most notably, the RP-7A District establishes a maximum density of 8.5 units per acre (whereas the RP-7 District does not establish a density requirement) and permits ground floor residential dwelling units for new buildings (whereas the RP-7 District only permits upper story apartments). It is anticipated that this district can accommodate 26 residential units, including 6 affordable units.

In regard to the RP-7B District, the draft ordinance is designed to encourage an inclusionary multifamily development. It permits a maximum density of 25 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 37 total units, including 10 affordable units.

Draft R-5J District Ordinance

This ordinance is intended to rezone Block 8 Lots 17, 24, and 30 from the B-2 District to a new R-5J Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 17.4 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 216 residential units, including 54 affordable units.





1 inch = 100 feet

R-5F Draft Ordinance - Woodmont

MULLER & BAILLIE, P.C.
196 Princeton-Hightstown Road
Bldg. 1, Ste. 13
West Windsor, New Jersey 08550

Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
gmuller@mullerbaillielaw.com

February 19, 2026

Sent via Electronic Transmission

Ms. Allison D. Sheehan
West Windsor Township Clerk
271 Clarksville Road
Princeton Junction, NJ 08550

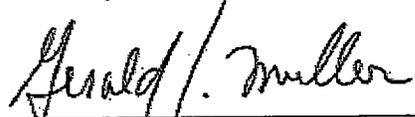
Re: Referral of Ordinances 2026-02 through -09 to Planning Board

Dear Allison:

On February 18, 2026, the Planning Board reviewed the above-referenced ordinances. By an 8-0 vote with no abstentions, it determined that Ordinances 2026-03 through -09 were consistent with the Master Plan. By a vote of 7-1, with no abstentions, it determined that Ordinance 2026-02 was consistent with the Master Plan.

Very truly yours,

Muller & Baillie, PC.
West Windsor Township
Planning Board Attorneys



By: Gerald J. Muller

REQUEST FOR COUNCIL ACTION

Date of Request: January 28, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance establishing the bulk and use standards in the R-5G district.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from David Novak (Burgis & Associates) with maps dated January 16, 2026
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

[Signature] 1-28-26 Samuel Surtees
Department/Division Head Date

APPROVED FOR AGENDA OF: February 9, 2026

By: Marlena Schmid 02/04/2026
Marlena Schmid, Business Administrator

MEETING DATE: 2/9/26 Ordinance # 2026-05 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE 2026-05

TOWNSHIP OF WEST WINDSOR ORDINANCE TO
AMEND AND SUPPLEMENT CHAPTER 200
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
BY CREATING THE BULK & USE STANDARDS IN THE R-5G ZONING DISTRICT (200-189.6)

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishments of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line "R-5F Residence Affordable Housing" the following:

R-5G Residence Affordable Housing

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of District; General Conditions, Section 200-143, Zoning Map, is amended to read as follows:

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated July 12, 2021, and revised through March 9, 2026, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. An official copy of said Map, indicating the latest amendments shall be kept up to date in the Office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. The Zoning Map of the Township of West Windsor is hereby amended to change the zoning designation of Block 7 Lots 9.01 and 31 to the R-5G District.

Section 4. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, is hereby amended by adding the following new Section 200-189.6.

§ 200-189.6 R-5G Residence District use, bulk and other regulations.

- A. Purpose. The R-5G Residence (R-5G) District is intended to encourage the production of very -low, low-, and moderate -income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting an inclusionary multifamily development subject to the following regulations.
- B. Principal permitted uses. In the R-5G District, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses:
- (1) Multi-family dwellings including townhouses and stacked townhouses. The residential units shall be subject to a twenty-five percent (25%) low-and moderate-income housing set aside in accordance with Subsection G.
- C. Permitted accessory uses.
- (1) Recreational, clubhouse, swimming pool, recycling buildings, and open space facilities, including, but not limited to, walkways, courtyards, plazas, community centers , and community gardens.
 - (2) Amenity space on the ground floor of buildings for use by residents.
 - (3) Off-street parking and loading designed in an aesthetically appealing manner in terms of layout, landscaping, lighting and materials.
 - (4) Signs.
 - (5) Street furniture, planters, approved public art elements, gazebos, park shelters, information kiosks, and waste/recycling receptacles.
 - (6) Fences and walls which shall complement the architectural style, type and design of the building and the overall project design. Such fences and walls shall be constructed in accordance with a fence and wall design plan approved by the board of jurisdiction.

- (7) Decks, patios and terraces, which shall complement the architectural style, type and design on the building and the overall project design. Such features shall be constructed in accordance with a deck, patio and terrace design plans approved by the board of jurisdiction.
 - (8) Garages for use by residential tenants.
 - (9) Accessory uses and buildings customarily associated with residential uses.
- D. Minimum tract size. The entirety of the zoning district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
- E. Maximum permissible development density. 15.2 units per acre, which shall result in a maximum of 80 residential units.
- F. Maximum improvement coverage. The maximum improvement coverage for the district shall not exceed seventy percent (70%).
- G. Twenty-five percent of the residential component shall be low-and moderate-income housing meeting all of the applicable standards and requirements for affordable units, including those set forth in Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., and Section 200-237 of the Code. At least fifty percent (50%) of the affordable units shall be made affordable to low-income households and at least thirteen percent (13%) of affordable units shall be made affordable to very low-income households earning thirty percent (30%) or less of the regional median household income by household size, which very low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households. The affordable units shall be located on site and shall be reasonably dispersed throughout each residential building phased in accordance with the affordable housing construction schedule set forth in N.J.A.C. 5:97-6.4(d). The state-wide non-residential development fee shall apply to the non-residential portion of the development to the extent it includes other than residential uses.
- H. Building standards.
- (1) Building heights shall not exceed three (3) stories and forty (40) feet.
 - (2) Yard dimensions:

- [a] Front yard. Thirty-five (35) feet, as measured to the curb line of Alexander Road.
 - [b] Side yard: There shall be an average side yard setback of thirty-five (35) feet as measured to a single property line, provided that no portion of any building shall have a side yard setback of less than twenty-five (25) feet.
 - [c] Rear yard: Thirty-five (35) feet.
 - [d] To promote architectural diversity, upper-story projections may encroach no more than two (2) feet into any required yard.
 - [e] Retaining walls and fences may be located in any required yard, provided they are buffered to the satisfaction of the Township Landscape Architect.
- I. Individual lot requirements. There shall be no limitation on maximum improvement coverage for individual lots within the R-5G District. Lot widths, frontages, rear yards, side yards, front yards, lot dimensions, parking lot locations and building distances may be freely arranged and disposed of within the District. A lot need not front on a street and there are no minimum building distances for individual lots in the same building. The intent of this provision is to permit individual buildings and/or associated parking areas to exist as separate lots either through subdivision or via condominium arrangements. However, each individual lot shall be subject to and may only be improved in accordance with the final subdivision and/or site plan approval for the R-5G District in accordance with these district regulations. The board of jurisdiction shall condition final approval upon submission by the applicant and approval by the board attorney of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances that security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items will be provided.
- J. Required off-street and on-street parking. The number of residential parking spaces shall conform to the requirements of the Residential Site Improvement Standards (RSIS).
- K. Safe and secure (enclosed) bicycle parking shall be provided.

L. Architectural and site design standards. In addition to the standards applicable to all districts and the goals and policies, and in lieu of the standards established in § 200-30A and § 200-36B(2), the following shall apply.

- (1) Buildings shall reflect a continuity of treatment through the district, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration (windows); and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.
- (2) Signage and lighting shall be designed in a manner complementary to the building's architecture.
- (3) Pitched roofs (5/12 to 12/12) are recommended. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Generally, flat and mansard-type roofs should be avoided; however, such roof treatments may be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures and consistent with a small-scale village character. Buildings may have flat roofs, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane
- (4) A maximum of eight (8) stacked townhouse units totaling 16 units in a single row with a minimum offset of two to four feet between every two dwelling units are encouraged. The front facade of no more than five (5) dwelling units should be permitted in a straight line. Buildings shall not exceed a length of 200 feet.
- (5) A minimum distance of 25 feet shall be established between buildings, exclusive of architectural accents including but not limited to nooks, notches, or bays.
- (6) Each dwelling unit shall have not less than two exposures (i.e. two window walls)

M. Snow storage and removal. Procedures for snow storage and removal shall be identified on the site plan.

Section 5. The Township shall dedicate portions of the ROW to the developer, and the developer shall dedicate portions of the ROW to the Township, in accordance to the exhibit attached herein.

Section 6. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 7. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

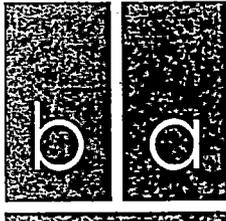
Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: West Windsor Township Council
From: David Novak PP, AICP
Subject: 2026 Housing Element and Fair Share Plan (HE&FSP)
Inclusionary Multifamily Residential Zoning Ordinances
Date: January 28, 2026
BA#: 4173.15

Introduction

The following memorandum provides a brief summary of the inclusionary multifamily residential zoning ordinances which have been prepared in conjunction with the 2026 Housing Element and Fair Share Plan (HE&FSP). These ordinances include the following:

1. Draft R-5E District;
2. Draft R-5F District;
3. Draft R-5G District;
4. Draft R-5H District;
5. Draft R-5I District;
6. Draft RP-7A and RP-7B District, and;
7. Draft R5-J District.



Draft R-5E District Ordinance

This ordinance is intended to rezone Block 7,04 Lot 1 from the ROM-1 District to a new R-5E Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 29.2 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 650 residential units, including 163 affordable units.

Draft R-5F District Ordinance

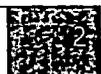
This ordinance is intended to rezone Block 86 Lot 58.02 from the B-2 District to a new R-5F Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 24 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 35 residential units, including 9 affordable units.

Draft R-5G District Ordinance

This ordinance is intended to rezone Block 7 Lots 9.01 and 31 from the R-2 District to a new R-5G Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 15.6 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 80 residential units, including 20 affordable units.

Draft R-5H District Ordinance

This ordinance is intended to rezone Block 9 Lots 83, 84, and 85 from the ROM-1 District to a new R-5H Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 11.8 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 326 residential units, including 82 affordable units.



Draft R-5I District Ordinance

This ordinance is intended to rezone Block 7.15 Lot 12.09 from the ROM-1 District to a new R-5I Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 27.5 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 275 residential units, including 69 affordable units.

Draft RP-7A and RP-7B District Ordinance

This ordinance is intended to rezone Block 5 Lot 20 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7A Princeton Junction Redevelopment Plan District, as well as rezone Block 5 Lots 62 and 76 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7B Princeton Junction Redevelopment Plan District.

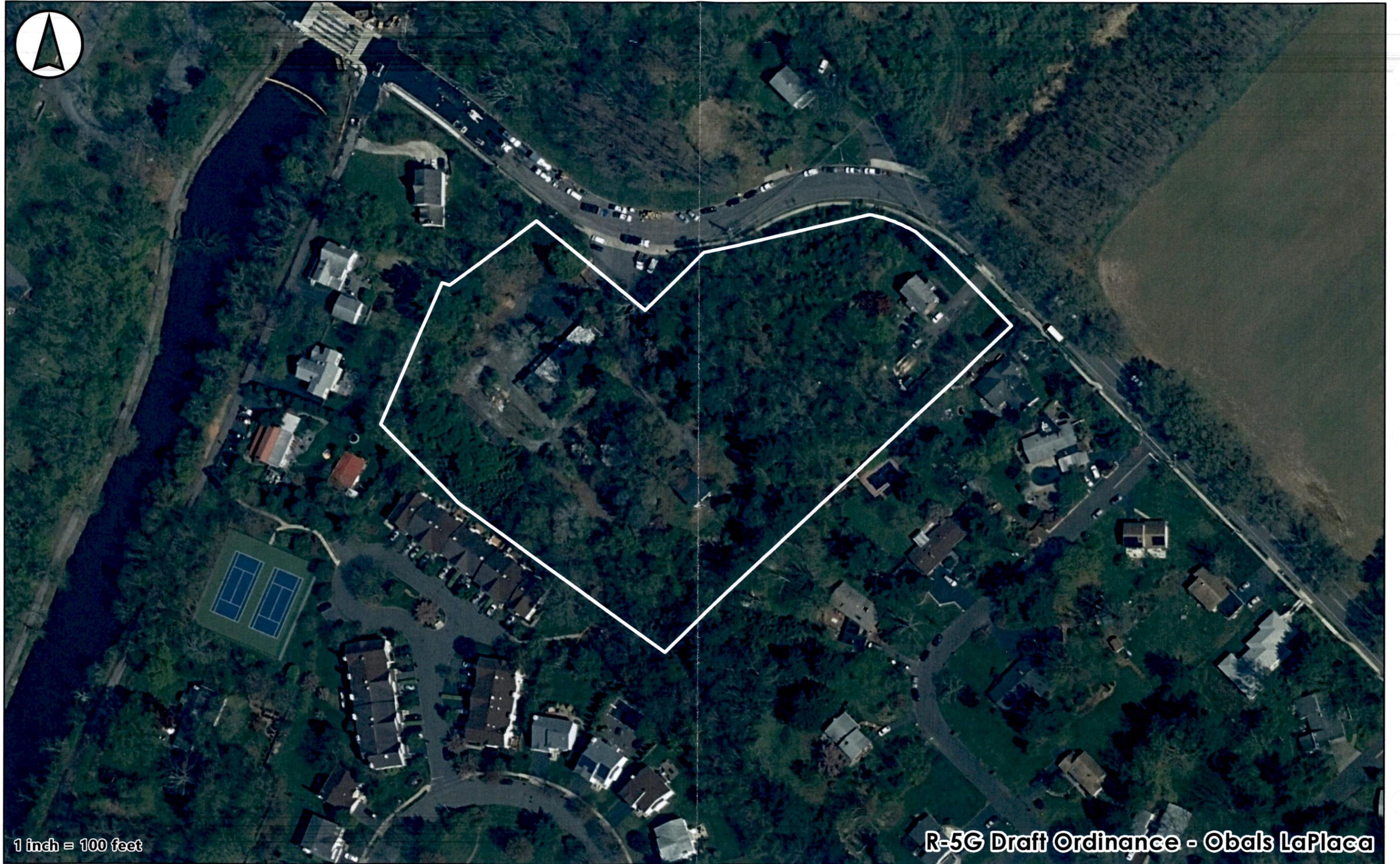
In regard to the RP-7A District, the draft ordinance offers several changes from the RP-7 District regulations. Most notably, the RP-7A District establishes a maximum density of 8.5 units per acre (whereas the RP-7 District does not establish a density requirement) and permits ground floor residential dwelling units for new buildings (whereas the RP-7 District only permits upper story apartments). It is anticipated that this district can accommodate 26 residential units, including 6 affordable units.

In regard to the RP-7B District, the draft ordinance is designed to encourage an inclusionary multifamily development. It permits a maximum density of 25 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 37 total units, including 10 affordable units.

Draft R-5J District Ordinance

This ordinance is intended to rezone Block 8 Lots 17, 24, and 30 from the B-2 District to a new R-5J Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 17.4 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 216 residential units, including 54 affordable units.





1 inch = 100 feet

R-5G Draft Ordinance - Obals LaPlaca

MULLER & BAILLIE, P.C.
196 Princeton-Hightstown Road
Bldg. 1, Ste. 13
West Windsor, New Jersey 08550

Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
gmuller@mullerbaillielaw.com

February 19, 2026

Sent via Electronic Transmission

Ms. Allison D. Sheehan
West Windsor Township Clerk
271 Clarksville Road
Princeton Junction, NJ 08550

Re: Referral of Ordinances 2026-02 through -09 to Planning Board

Dear Allison:

On February 18, 2026, the Planning Board reviewed the above-referenced ordinances. By an 8-0 vote with no abstentions, it determined that Ordinances 2026-03 through -09 were consistent with the Master Plan. By a vote of 7-1, with no abstentions, it determined that Ordinance 2026-02 was consistent with the Master Plan.

Very truly yours,

Muller & Baillie, PC.
West Windsor Township
Planning Board Attorneys



By: Gerald J. Muller

REQUEST FOR COUNCIL ACTION

Date of Request: January 28, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance establishing the bulk and use standards in the R-5H district.

SOURCE OF FUNDING: NA

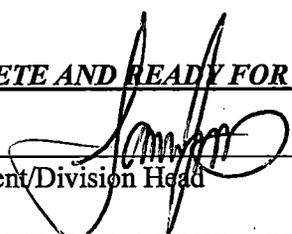
CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

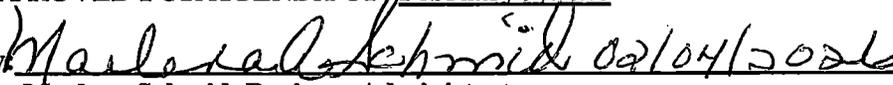
OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from David Novak (Burgis & Associates) with maps dated January 16, 2026
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

 1-28-26 Klaus Grib
Department/Division Head Date

APPROVED FOR AGENDA OF: February 9, 2026

By: 
Marlena Schmid, Business Administrator

MEETING DATE: 2/9/26 Ordinance # 2026-06 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE 2026-06

TOWNSHIP OF WEST WINDSOR ORDINANCE TO
AMEND AND SUPPLEMENT CHAPTER 200
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
BY CREATING THE BULK & USE STANDARDS IN THE R-5H ZONING DISTRICT (200-189.7)

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishments of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line "R-5G Residence Affordable Housing" the following:

R-5H Residence Affordable Housing

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of District; General Conditions, Section 200-143, Zoning Map, is amended to read as follows:

The boundaries of said zoning district are hereby established as shown on the Zoning Map, Township of West Windsor, dated July 12, 2021, and revised through March 9, 2026, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. An official copy of said Map, indicating the latest amendments shall be kept up to date in the Office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. The Zoning Map of the Township of West Windsor is hereby amended to change the zoning designation of Block 9, Lots 83, 84 and 85 to the R-5H District.

Section 4. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, is hereby amended by adding the following new Section 200-189.7.

§ 200-189.7 R-5H Residence District use, bulk and other regulations.

- A. Purpose. The R-5H Residence (R-5H) District is intended to encourage a residential development with convenient access to the US Route 1 corridor, proximate to the train station and surrounding commercial employment centers including the Carnegie Center campus in which it is located. Specifically, the district is intended to permit a mix of market-rate and affordable residential dwelling units within a bicycle and pedestrian friendly environment close to mass transit services and employment opportunities. The regulations and standards herein shall supersede any and all regulations and standards established by any prior approvals for the parcels covered by this ordinance except those referenced herein.
- B. Planned unit residential development, development application requirements and required uses. Any development application in the R-5H District shall be submitted as a planned development by way of a preliminary site plan application for the entire district. Such application shall describe any phasing of the proposal, together with any onsite and off-tract improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approval with respect to such phase or phases. Any application shall include proposed amendments to the Carnegie Center East 'Preliminary B' master plan and Carnegie Center II Design Guidelines to reflect the R-5H District development. The following shall apply:
- (1) A R-5H development shall be subject to the requirements of this section and to the mandatory findings for a planned development as required by the Municipal Land Use Law, N.J.S.A. 40:55D-45.
 - (2) Up to a maximum of 326 residential units, market and affordable, shall be provided in one or more buildings.
 - (3) Along Carnegie Center Drive and the North Traverse and South Traverse Roads, there shall be roadside plantings consisting of formal, double rows of shade trees, spaced 30 feet on center. The rows shall be staggered by 15 feet.
- C. Principal permitted uses. In the R-5H District, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses:

- (1) Townhouse dwellings; stacked townhouses; and multifamily dwellings (including garden apartments and mid-rise apartments). The residential units shall be subject to a twenty-five (25%) low and moderate-income housing set aside in accordance with Subsection I.
- (2) Neighborhood retail uses providing for the sale of goods and services, including, but not limited to, convenience food stores, pharmacies, restaurants (excluding drive-through facilities), cafes, luncheonettes and delicatessens, indoor recreation facilities, including instructional studios and fitness centers, attended laundry and retail dry-cleaning services (not including bulk processing and, in case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises), book, newspaper, periodical and stationary stores, copy centers, parcel package shipping stores or mailing centers, bicycle shops and bicycle rental facilities, banks, and personal services establishments (e.g. barber or beauty salon and spa and massage services).
- (3) General and administrative offices and professional offices (e.g., physicians, lawyers and architects); small commercial offices (e.g., realtors and travel agencies); and offices incidental to uses permitted in this section.

D. Permitted accessory uses.

- (1) Recreational, clubhouse, swimming pool, recycling buildings, and open space facilities, including, but not limited to, walkways, courtyards, plazas, community centers, and community gardens.
- (2) Amenity space for use by residents.
- (3) Off-street parking and loading designed in an aesthetically appealing manner in terms of layout and materials.
- (4) On-street parking.
- (5) Signs.
- (6) Street furniture, planters, approved public art elements, gazebos, park shelters, information kiosks, and waste/recycling receptacles.
- (7) Sidewalk cafes associated with permitted restaurants.

- (8) Fences and retaining walls which shall complement the architectural style, type and design of buildings and the overall project design.
 - (9) Decks, patios and terraces, which shall complement the architectural style, type and design on the buildings and the overall project design.
 - (10) Garages for use by residential tenants.
 - (11) Accessory uses and buildings customarily associated with residential uses.
 - (12) Temporary sales and construction trailers.
- E. Minimum tract size. The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
- F. Maximum permissible density. 11.82 units per acre for the entirety of the district, which shall result in a maximum of 326 residential units for the entirety of the district.
- G. Location of nonresidential uses. Non-residential uses shall be located on the ground floor of buildings.
- H. Maximum improvement coverage. The maximum improvement coverage shall be seventy percent (70%) for the entirety of the district.
- I. Twenty-five percent of the residential component shall be low-and moderate-income housing meeting all of the applicable standards and requirements for affordable units, including those set forth in Uniform Housing Affordability Controls (UHAC), N.J.A.C. 80-26.5(b)2iii et seq., and Section 200-237 of the Code. At least fifty percent (50%) of the affordable units shall be made affordable to low-income households and at least thirteen percent (13%) of affordable units shall be made affordable to very low-income households earning thirty percent (30%) or less of the regional median household income by household size, which very low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households. Rental affordable units shall be located onsite and shall be reasonably interspersed throughout the development in accordance with N.J.A.C. 80-26.5(b)2iii. For-sale affordable units shall be located onsite and may be clustered provided buildings or housing product types are integrated throughout the development in accordance with N.J.A.C. 80-26.5(b)3ii. Affordable units shall be phased in accordance with the affordable housing construction schedule set forth in N.J.A.C. 5:80-26.5(b)4. The state-wide non-

residential development fee shall apply to the non-residential portion of the development to the extent it includes other than residential uses.

J. Multifamily building standards:

- (1) Building heights shall not exceed four (4) stories and sixty-five (65) feet.
- (2) Minimum yard dimensions:
 - (a) From internal streets and drives: 15 feet.
 - (b) From public streets: 25 feet measured from the property line.
 - (c) For buildings that front Carnegie Center Drive: 30 feet from the roadway curb line.
 - (d) Paved areas for access to garages and parking lots are permitted in front yards.

K. Townhouse standards:

- (1) Building heights shall not exceed three (3) stories and forty-five (45) feet.
- (2) The following bulk standards shall apply to townhouses and stacked townhouses in a condominium or fee simple arrangement:
 - [a] Minimum front building setback from curb of internal roadways: 15 feet.
 - [b] Minimum side building setback from curb of internal roadway and parking: 10 feet.
 - [c] Minimum building separation, side to side: 15 feet.
 - [d] Minimum building separation, side to rear or rear to rear: 25 feet.
 - [e] Minimum building separation, front to front: 50 feet.
 - [f] Minimum building separation, front to side: 30 feet.
- (3) Patios, decks, unenclosed porches with roofs, bay windows, chimneys, and similar architectural features are permitted to protrude up to five (5) feet into all required

building separation areas, provided structures maintain the minimum separation to meet applicable building and fire codes.

L. Required off-street and on-street parking.

- (1) All streets shall be designed to accommodate two travel lanes.
- (2) The off-street parking standards set forth in § 200-27B shall apply, except as follows:
 - [a] The number of residential parking spaces shall conform to the requirements of the Residential Site Improvement Standards (RSIS).
 - [b] Off-street parking for all retail, personal service business or office uses shall be a minimum of one space per each 500 square feet of gross floor area. The applicant shall demonstrate that parking is sufficient for each use.
 - [b] Off-street parking for restaurants set forth in Section 200-27B shall apply in the R-5H District unless authorized otherwise by the board of jurisdiction based on the applicant demonstrating that parking is sufficient for the use.
 - [c] Amenity uses for residents only shall not have an off-street parking requirement.
- (3) Parallel on-street parking shall be permitted on internal streets of the development to meet parking requirements.

M. Pedestrian and bicycle accessibility.

- (1) A comprehensive pedestrian and bicycle circulation system shall be provided between all buildings, along roads, and through open space.
- (2) The applicant shall provide paved pedestrian/bicycle linkages to those portions of Carnegie Center Drive surrounding the project. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space amenities, as determined to be appropriate and feasible.
- (3) Safe and secure (enclosed) bicycle parking shall be provided.

N. Architectural design standards and guidelines.

- (1) Buildings shall generally relate in scale to the surroundings buildings in the development. Buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by extending horizontal lines of fenestration; and by reflecting select architectural styles and details, design themes, building materials, and colors used in surrounding buildings.
 - (2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies, and signs, recesses, and changes in floor level, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
 - (3) Side and rear elevations should receive architectural treatments comparable to front facades.
 - (4) Heating, ventilating and air-conditioning (HVAC) systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated or placed to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties, unless screening is unacceptable to the utility companies.
 - (5) Street furniture such as benches, streetlamps, bicycle racks, receptacles for litter, including mandatory recycling receptacles, bus stops, landscape planters and hanging baskets shall be provided, if applicable. A standard street furnishing plan shall be established for the entire district. Options shall be established in order to permit variety. Furnishings manufactured from recycled materials shall be considered. Furnishings manufactured from local or regional sources shall be considered.
- O. Snow storage and removal. Procedures for snow storage and removal shall be identified on the site plan.
- P. Recreation. Residents shall have access to the outdoor recreational amenities located within the adjoining Carnegie Center campus, as same may be modified or altered by the owner thereof.

Section 5. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 6. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

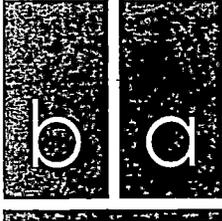
Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
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David Novak PP, AICP

MEMORANDUM

To: West Windsor Township Council
From: David Novak PP, AICP
Subject: 2026 Housing Element and Fair Share Plan (HE&FSP)
Inclusionary Multifamily Residential Zoning Ordinances
Date: January 28, 2026
BA#: 4173.15

Introduction

The following memorandum provides a brief summary of the inclusionary multifamily residential zoning ordinances which have been prepared in conjunction with the 2026 Housing Element and Fair Share Plan (HE&FSP). These ordinances include the following:

1. Draft R-5E District;
2. Draft R-5F District;
3. Draft R-5G District;
4. Draft R-5H District;
5. Draft R-5I District;
6. Draft RP-7A and RP-7B District, and;
7. Draft R5-J District.



Draft R-5E District Ordinance

This ordinance is intended to rezone Block 7,04 Lot 1 from the ROM-1 District to a new R-5E Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 29.2 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 650 residential units, including 163 affordable units.

Draft R-5F District Ordinance

This ordinance is intended to rezone Block 86 Lot 58.02 from the B-2 District to a new R-5F Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 24 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 35 residential units, including 9 affordable units.

Draft R-5G District Ordinance

This ordinance is intended to rezone Block 7 Lots 9.01 and 31 from the R-2 District to a new R-5G Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 15.6 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 80 residential units, including 20 affordable units.

Draft R-5H District Ordinance

This ordinance is intended to rezone Block 9 Lots 83, 84, and 85 from the ROM-1 District to a new R-5H Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 11.8 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 326 residential units, including 82 affordable units.



Draft R-5I District Ordinance

This ordinance is intended to rezone Block 7.15 Lot 12.09 from the ROM-1 District to a new R-5I Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 27.5 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 275 residential units, including 69 affordable units.

Draft RP-7A and RP-7B District Ordinance

This ordinance is intended to rezone Block 5 Lot 20 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7A Princeton Junction Redevelopment Plan District, as well as rezone Block 5 Lots 62 and 76 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7B Princeton Junction Redevelopment Plan District.

In regard to the RP-7A District, the draft ordinance offers several changes from the RP-7 District regulations. Most notably, the RP-7A District establishes a maximum density of 8.5 units per acre (whereas the RP-7 District does not establish a density requirement) and permits ground floor residential dwelling units for new buildings (whereas the RP-7 District only permits upper story apartments). It is anticipated that this district can accommodate 26 residential units, including 6 affordable units.

In regard to the RP-7B District, the draft ordinance is designed to encourage an inclusionary multifamily development. It permits a maximum density of 25 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 37 total units, including 10 affordable units.

Draft R-5J District Ordinance

This ordinance is intended to rezone Block 8 Lots 17, 24, and 30 from the B-2 District to a new R-5J Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 17.4 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 216 residential units, including 54 affordable units.



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In regard to the RP-7A District, the draft ordinance offers several changes from the RP-7 District regulations. Most notably, the RP-7A District establishes a maximum density of 8.5 units per acre (whereas the RP-7 District does not establish a density requirement) and permits ground floor residential dwelling units for new buildings (whereas the RP-7 District only permits upper story apartments). It is anticipated that this district can accommodate 26 residential units, including 6 affordable units.

In regard to the RP-7B District, the draft ordinance is designed to encourage an inclusionary multifamily development. It permits a maximum density of 25 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 37 total units, including 10 affordable units.

Draft R-5J District Ordinance

This ordinance is intended to rezone Block 8 Lots 17, 24, and 30 from the B-2 District to a new R-5J Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 17.4 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 216 residential units, including 54 affordable units.





Brunswick Pike

1 inch = 200 feet

R-5H Draft Ordinance - BXP Carnegie Center - 400 Series

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West Windsor, New Jersey 08550

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Martina Baillie, Esq.

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February 19, 2026

Sent via Electronic Transmission

Ms. Allison D. Sheehan
West Windsor Township Clerk
271 Clarksville Road
Princeton Junction, NJ 08550

Re: Referral of Ordinances 2026-02 through -09 to Planning Board

Dear Allison:

On February 18, 2026, the Planning Board reviewed the above-referenced ordinances. By an 8-0 vote with no abstentions, it determined that Ordinances 2026-03 through -09 were consistent with the Master Plan. By a vote of 7-1, with no abstentions, it determined that Ordinance 2026-02 was consistent with the Master Plan.

Very truly yours,

Muller & Baillie, PC.
West Windsor Township
Planning Board Attorneys



By: Gerald J. Muller

REQUEST FOR COUNCIL ACTION

Date of Request: January 28, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance establishing the bulk and use standards in the R-5I district.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from David Novak (Burgis & Associates) with maps dated January 16, 2026
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Samuel J. Surtees 1-28-26 *Samuel J. Surtees*
Department/Division Head Date

APPROVED FOR AGENDA OF: February 9, 2026

By: *Marlena A. Schmid* 02/04/2026
Marlena Schmid, Business Administrator

MEETING DATE: 2/9/26 Ordinance # 2026-07 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE 2026-07

TOWNSHIP OF WEST WINDSOR ORDINANCE TO
AMEND AND SUPPLEMENT CHAPTER 200
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
BY CREATING THE BULK & USE STANDARDS IN THE R-5I ZONING DISTRICT (200-189.8)

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishments of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line “R-5H Residence Affordable Housing” the following:

R-5I Residence Affordable Housing

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of District; General Conditions, Section 200-143, Zoning Map, is amended to read as follows:

The boundaries of said zoning district are hereby established as shown on the Zoning Map, Township of West Windsor, dated July 12, 2021, and revised through March 9, 2026, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. An official copy of said Map, indicating the latest amendments shall be kept up to date in the Office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. The Zoning Map of the Township of West Windsor is hereby amended to change the zoning designation of Block 7.15, Lot 12.09 to R-5I.

Section 4. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, is hereby amended by adding the following new Section 200-189.7.

§ 200-189.8 R-I Residence District use, bulk and other regulations.

- A. Purpose. The R-5I Residence (R-5I) District is intended to encourage a mix of residential development, with an option for an age-restricted residential development, with convenient access to the US Route 1 corridor, proximate to the train station and surrounding commercial employment centers including the Carnegie Center campus in which it is located. Specifically, the district is intended to permit a mix of market-rate and affordable residential dwelling units within a bicycle and pedestrian friendly environment close to mass transit services, commercial centers and employment opportunities. The regulations and standards herein shall supersede any and all regulations and standards established by any prior approvals for the parcel covered by this ordinance except those referenced herein.

- B. Planned unit residential development, development application requirements and required uses. Any development application in the R-6A District shall be submitted as a planned development by way of a preliminary site plan application for the entire district. Such application shall describe any phasing of the proposal, together with any onsite and off-tract improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approval with respect to such phase or phases. Any application shall include proposed amendments to the Carnegie Center West "Preliminary A" master plan and Carnegie Center II Design Guidelines to reflect the R-6A District development. The following shall apply:
 - (1) A R-5I development shall be subject to the requirements of this section and to the mandatory findings for a planned development as required by the Municipal Land Use Law, N.J.S.A. 40:55D-45.
 - (2) Up to a maximum of 274 residential units, market and affordable, shall be provided in one or more buildings.
 - (3) A fifty foot (50) foot wide planting buffer shall be provided along US Route 1 and a thirty (30) foot planting buffer shall be provided along Carnegie Center Boulevard West.

- C. Principal permitted uses. In the R-6I District, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses:
 - (1) Townhouse dwellings (including stacked townhouses) and multifamily dwellings (including garden apartments and mid-rise apartments), inclusive of age-restricted

dwellings. The residential units shall be subject to a twenty-five (25%) low and moderate-income housing set aside in accordance with Subsection I.

- (2) Neighborhood retail uses providing for the sale of goods and services, including, but not limited to, convenience food stores, pharmacies, restaurants (excluding drive-through facilities), cafes, luncheonettes and delicatessens, indoor recreation facilities, including instructional studios and fitness centers, attended laundry and retail dry-cleaning services (not including bulk processing and, in case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises), book, newspaper, periodical and stationary stores, copy centers, parcel package shipping stores or mailing centers, bicycle shops and bicycle rental facilities, banks, and personal services establishments (e.g. barber or beauty salon and spa and massage services).
- (3) General and administrative offices and professional offices (e.g., physicians, lawyers and architects); small commercial offices (e.g., realtors and travel agencies); and offices incidental to uses permitted in this section.

D. Permitted accessory uses.

- (1) Recreational, clubhouse, swimming pool, recycling buildings, and open space facilities, including, but not limited to, walkways, courtyards, plazas, community centers, and community gardens.
- (2) Amenity space for use by residents.
- (3) Off-street structured and surface parking and loading designed in an aesthetically appealing manner in terms of layout and materials.
- (4) On-street parking.
- (5) Signs.
- (6) Street furniture, planters, approved public art elements, gazebos, park shelters, information kiosks, and waste/recycling receptacles.
- (7) Sidewalk cafes associated with permitted restaurants.
- (8) Fences and retaining walls which shall complement the architectural style, type and design of buildings and the overall project design.

- (9) Decks, patios and terraces, which shall complement the architectural style, type and design on the buildings and the overall project design.
 - (10) Garages for use by residential tenants.
 - (11) Accessory uses and buildings customarily associated with residential uses.
 - (12) Temporary sales and construction trailers.
- E. Minimum tract size. The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
- F. Maximum permissible development density. 27.4 units per acre for the entirety of the district, which shall result in a maximum of 274 residential units.
- G. Location of nonresidential uses. Non-residential uses shall be located on the ground floor of buildings.
- H. Maximum improvement coverage. The maximum improvement coverage shall be seventy percent (70%) for the entirety of the district.
- I. Twenty-five percent of the residential component shall be low-and moderate-income housing meeting all of the applicable standards and requirements for affordable units, including those set forth in Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., and Section 200-237 of the Code. At least fifty percent (50%) of the affordable units shall be made affordable to low-income households and at least thirteen percent (13%) of affordable units shall be made affordable to very low-income households earning thirty percent (30%) or less of the regional median household income by household size, which very low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households. Rental affordable units shall be located onsite and shall be reasonably interspersed throughout the development in accordance with N.J.A.C. 80-26.5(b)2iii. For-sale affordable units shall be located onsite and may be clustered provided buildings or housing product types are integrated throughout the development in accordance with N.J.A.C. 80-26.5(b)3ii. Affordable units shall be phased in accordance with the affordable housing construction schedule set forth in 5:80-26.5(b)4. The state-wide non-residential development fee shall apply to the non-residential portion of the development to the extent it includes other than residential uses.
- J. Multifamily building standards.
- (1) Building heights shall not exceed four (4) stories and sixty-five (65) feet.

(2) Minimum yard dimensions:

- [a] From internal street and drives: 15 feet.
- [b] From public streets: 35 feet measured from the property line.
- [c] From US Route 1: 65 feet.
- [d] Paved areas for access to garages and parking lots are permitted in front yards.

K. Townhouse standards:

- (1) Building heights shall not exceed three (3) stories and forty-five (45) feet.
- (2) The following building separation standards shall apply to townhouses and stacked townhouses in a condominium or fee simple arrangement:
 - [a] Minimum front building setback from curb of internal roadways: 15 feet.
 - [b] Minimum side building setback from curb of internal roadway and parking: 12 feet.
 - [c] Minimum building separation, side to side: 20 feet.
 - [d] Minimum building separation, side to rear or rear to rear: 30 feet.
 - [e] Minimum building separation, front to front: 40 feet.
 - [f] Minimum building separation, front to side: 30 feet.
- (3) Patios, decks, unenclosed porches with roofs, bay windows, chimneys, and similar architectural features are permitted to protrude up to five (5) feet into all required building separation areas, provided structures maintain the minimum separation to meet applicable building and fire codes.

L. Required off-street and on-street parking.

- (1) All streets shall be designed to accommodate two travel lanes.
- (2) The off-street parking standards set forth in § 200-27B shall apply, except as follows:

- [a] The number of residential parking spaces shall conform to the requirements of the Residential Site Improvement Standards (RSIS).
 - [b] Off-street parking for all retail, personal service business or office uses shall be a minimum of one space per each 500 square feet of gross floor area. The applicant shall demonstrate that parking is sufficient for each use.
 - [b] Off-street parking for restaurants set forth in Section 200-27B shall apply in the R-5I District unless authorized otherwise by the board of jurisdiction based on the applicant demonstrating that parking is sufficient for the use.
 - [c] Amenity uses for residents only shall not have an off-street parking requirement.
- (3) Parallel on-street parking shall be permitted on internal streets of the development to meet parking requirements.
 - (4) Vehicular connections to adjacent properties are to be provided to the greatest extent feasible.

M. Pedestrian and bicycle accessibility.

- (1) A comprehensive pedestrian and bicycle circulation system shall be provided between all buildings, along roads, and through open space.
- (2) The applicant shall provide paved pedestrian/bicycle linkages to Carnegie Center Boulevard West that abuts the tract.
- (3) Bicycle and pedestrian connections to adjacent properties are to be provided to the greatest extent feasible.
- (4) Safe and secure (enclosed) bicycle parking shall be provided.

N. Architectural design standards and guidelines.

- (1) Buildings shall generally relate in scale to the surroundings buildings in the development. Buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by extending horizontal lines of fenestration; and by reflecting

select architectural styles and details, design themes, building materials, and colors used in surrounding buildings.

- (2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies, and signs, recesses, and changes in floor level, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (3) Side and rear elevations should receive architectural treatments comparable to front facades.
- (4) Heating, ventilating and air-conditioning (HVAC) systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated or placed to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties, unless screening is unacceptable to the utility companies.
- (5) Street furniture such as benches, streetlamps, bicycle racks, receptacles for litter, including mandatory recycling receptacles, bus stops, landscape planters and hanging baskets shall be provided, if applicable. A standard street furnishing plan shall be established for the entire district. Options shall be established in order to permit variety. Furnishings manufactured from recycled materials shall be considered. Furnishings manufactured from local or regional sources shall be considered.

O. Snow storage and removal. Procedures for snow storage and removal shall be identified on the site plan.

Section 5. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

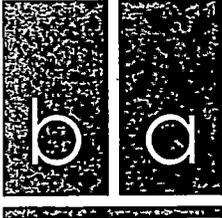
Section 6. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Planning Board Approval:

Public Hearing:

Adoption:
Mayor Approval:
Effective Date:



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: West Windsor Township Council
From: David Novak PP, AICP
Subject: 2026 Housing Element and Fair Share Plan (HE&FSP)
Inclusionary Multifamily Residential Zoning Ordinances
Date: January 28, 2026
BA#: 4173.15

Introduction

The following memorandum provides a brief summary of the inclusionary multifamily residential zoning ordinances which have been prepared in conjunction with the 2026 Housing Element and Fair Share Plan (HE&FSP). These ordinances include the following:

1. Draft R-5E District;
2. Draft R-5F District;
3. Draft R-5G District;
4. Draft R-5H District;
5. Draft R-5I District;
6. Draft RP-7A and RP-7B District, and;
7. Draft R5-J District.



Draft R-5E District Ordinance

This ordinance is intended to rezone Block 7,04 Lot 1 from the ROM-1 District to a new R-5E Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 29.2 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 650 residential units, including 163 affordable units.

Draft R-5F District Ordinance

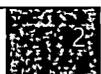
This ordinance is intended to rezone Block 86 Lot 58.02 from the B-2 District to a new R-5F Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 24 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 35 residential units, including 9 affordable units.

Draft R-5G District Ordinance

This ordinance is intended to rezone Block 7 Lots 9.01 and 31 from the R-2 District to a new R-5G Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 15.6 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 80 residential units, including 20 affordable units.

Draft R-5H District Ordinance

This ordinance is intended to rezone Block 9 Lots 83, 84, and 85 from the ROM-1 District to a new R-5H Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 11.8 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 326 residential units, including 82 affordable units.



Draft R-5I District Ordinance

This ordinance is intended to rezone Block 7.15 Lot 12.09 from the ROM-1 District to a new R-5I Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 27.5 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 275 residential units, including 69 affordable units.

Draft RP-7A and RP-7B District Ordinance

This ordinance is intended to rezone Block 5 Lot 20 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7A Princeton Junction Redevelopment Plan District, as well as rezone Block 5 Lots 62 and 76 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7B Princeton Junction Redevelopment Plan District.

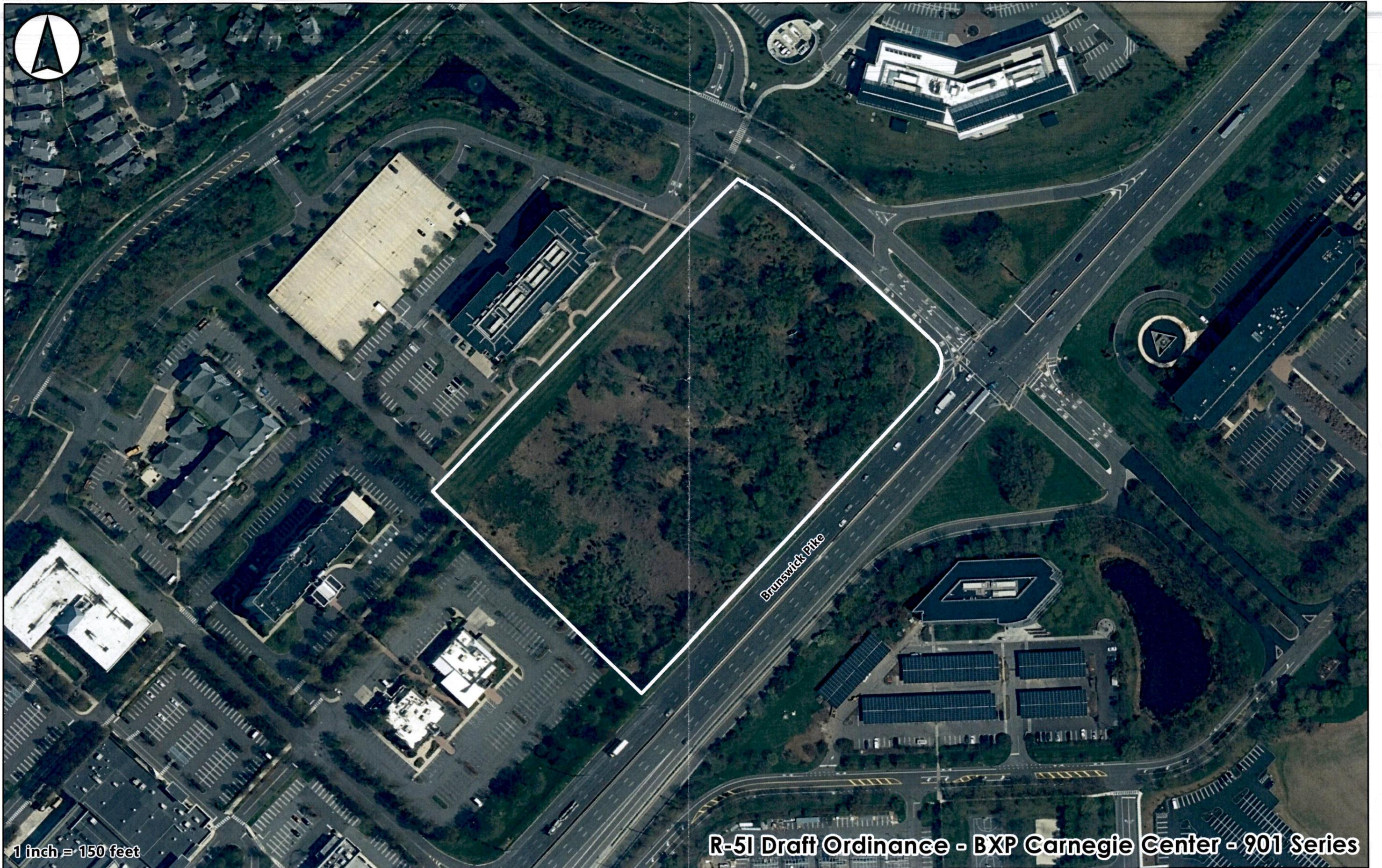
In regard to the RP-7A District, the draft ordinance offers several changes from the RP-7 District regulations. Most notably, the RP-7A District establishes a maximum density of 8.5 units per acre (whereas the RP-7 District does not establish a density requirement) and permits ground floor residential dwelling units for new buildings (whereas the RP-7 District only permits upper story apartments). It is anticipated that this district can accommodate 26 residential units, including 6 affordable units.

In regard to the RP-7B District, the draft ordinance is designed to encourage an inclusionary multifamily development. It permits a maximum density of 25 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 37 total units, including 10 affordable units.

Draft R-5J District Ordinance

This ordinance is intended to rezone Block 8 Lots 17, 24, and 30 from the B-2 District to a new R-5J Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 17.4 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 216 residential units, including 54 affordable units.





1 inch = 150 feet

R-51 Draft Ordinance - BXP Carnegie Center - 901 Series

76

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Bldg. 1, Ste. 13
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Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
gmuller@mullerbaillielaw.com

February 19, 2026

Sent via Electronic Transmission

Ms. Allison D. Sheehan
West Windsor Township Clerk
271 Clarksville Road
Princeton Junction, NJ 08550

Re: Referral of Ordinances 2026-02 through -09 to Planning Board

Dear Allison:

On February 18, 2026, the Planning Board reviewed the above-referenced ordinances. By an 8-0 vote with no abstentions, it determined that Ordinances 2026-03 through -09 were consistent with the Master Plan. By a vote of 7-1, with no abstentions, it determined that Ordinance 2026-02 was consistent with the Master Plan.

Very truly yours,

Muller & Baillie, PC.
West Windsor Township
Planning Board Attorneys



By: Gerald J. Muller

REQUEST FOR COUNCIL ACTION

Date of Request: January 28, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance establishing the bulk and use standards in the R-5J district.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from David Novak (Burgis & Associates) with maps dated January 16, 2026
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Samuel J. Surtees 1-28-26 Samuel J. Surtees
Department/Division Head Date

APPROVED FOR AGENDA OF: February 9, 2026

By: Marlena Schmid 02/04/2026
Marlena Schmid, Business Administrator

MEETING DATE: 2/9/26 Ordinance # 2026-08 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE 2026-08

TOWNSHIP OF WEST WINDSOR ORDINANCE TO
AMEND AND SUPPLEMENT CHAPTER 200
OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)
BY CREATING THE BULK & USE STANDARDS IN THE R-5J ZONING DISTRICT (200-189.9)

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishments of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line "R-5I Residence Affordable Housing" the following:

R-5J Residence Affordable Housing

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of District; General Conditions, Section 200-143, Zoning Map, is amended to read as follows:

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated July 12, 2021, and revised through March 9, 2026, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. An official copy of said Map, indicating the latest amendments shall be kept up to date in the Office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. The Zoning Map of the Township of West Windsor is hereby amended to change the zoning designation of Block 8 Lots 17, 24, and 30 to the R-5J District.

Section 4. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, is hereby amended by adding the following new Section 200-189.9.

§ 200-189.9 R-5J Residence District use, bulk and other regulations.

- A. Purpose. The R-5J Residence (R-5J) District is intended to encourage the production of very-low, low-, and moderate-income housing units in conformance with the latest procedural and substantive rules for affordable housing, as determined by the courts or other applicable authority, by permitting an inclusionary multifamily development subject to the following regulations.
- B. Principal permitted uses. In the R-5J District, no building or premises shall be used, and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses:
- (1) Multi-family dwellings including townhomes and stacked townhomes. The residential units shall be subject to a twenty-five percent (25%) low- and moderate-income housing set aside in accordance with Subsection G.
- C. Permitted accessory uses.
- (1) Recreational, clubhouse, swimming pool, recycling buildings, and open space facilities, including, but not limited to, walkways, courtyards, plazas, community center, tot lots and community gardens.
 - (2) Amenity space on the ground floor of buildings for use by residents.
 - (3) Off-street parking designed in an aesthetically appealing manner in terms of layout and materials.
 - (4) Signs.
 - (5) Street furniture, planters, approved public art elements, gazebos, park shelters, information kiosks, and waste/recycling receptacles.
 - (6) Fences and walls which shall complement the architectural style, type and design of the building and the overall project design. Such fences and walls shall be constructed in accordance with a fence and wall design plan approved by the board of jurisdiction.

- (7) Decks, patios and terraces, which shall complement the architectural style, type and design on the building and the overall project design. Such features shall be constructed in accordance with a deck, patio and terrace design plans approved by the board of jurisdiction.
 - (8) Garages for use by residential tenants.
 - (9) Accessory uses and buildings customarily associated with residential uses.
- D. Minimum tract size. The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
- E. Maximum permissible development density. 17.7 units per acre, which shall result in a maximum of 216 residential units.
- F. Maximum improvement coverage. The maximum improvement coverage for the district shall not exceed sixty-five percent (65%).
- G. Twenty-five percent of the housing units shall be low-and moderate-income housing meeting all of the applicable standards and requirements for affordable units, including those set forth in Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq. At least fifty percent (50%) of the affordable units shall be made affordable to low-income households and at least thirteen percent (13%) of affordable units shall be made affordable to very low-income households earning thirty percent (30%) or less of the regional median household income by household size, which very low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households. The affordable units shall be located on site and shall be reasonably dispersed throughout each residential building phased in accordance with the affordable housing construction schedule set forth in N.J.A.C. 5:97-6.4(d). No development fee shall be charged in addition to the set-aside requirement.
- H. Building standards.
- (1) Building heights shall not exceed:
 - [a] Five (5) stories and sixty-five (65) feet for multifamily buildings.
 - [b] Three (3) stories and forty-five (45) feet for townhomes and stacked townhomes.

- (2) Building setback dimensions from tract boundary: Tract set-back dimensions:
- [a] Front yard. Thirty (30) feet.
 - [b] Side yard: Forty (40) feet.
 - [c] Rear yard: Forty (40) feet.
- (3) Distance between buildings:
- [a] Forty (40) feet between multifamily buildings
 - [b] Forty (40) feet between a multifamily building and a townhome/stacked townhome.
 - [c] Twenty (20) feet between townhouses and stacked townhouses.
- (4) Set-back from internal roads and parking: Ten (10) feet.
- I. Individual lot requirements. There shall be no limitation on maximum improvement coverage for individual lots within the R-5J District. Lot widths, frontages, rear yards, side yards, front yards, lot dimensions, parking lot locations and building distances may be freely arranged and disposed of within the District. A lot need not front on a street and there are no minimum building distances for individual lots in the same building. The intent of this provision is to permit individual buildings and/or associated parking areas to exist as separate lots either through subdivision or via condominium arrangements. However, each individual lot shall be subject to and may only be improved in accordance with the final subdivision and/or site plan approval for the R-5J District in accordance with these district regulations. The board of jurisdiction shall condition final approval upon submission by the applicant and approval by the board attorney of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances that security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items will be provided.
- J. Required off-street and on-street parking. The number of residential parking spaces shall conform to the requirements of the Residential Site Improvement Standards (RSIS).
- K. Safe and secure (enclosed) bicycle parking shall be provided for any housing unit that does not have a garage.

- L. In lieu of the standards contained in Section 200-36, the following architectural design standards and guidelines shall apply.
- M. Vehicular, bicycle, and/or pedestrian connections to adjacent commercial properties should be provided to the greatest extent feasible.
- (1) Buildings shall generally relate in scale to the surrounding buildings. Buildings shall reflect a continuity of treatment obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by extending horizontal lines of fenestration; and by reflecting select architectural styles and details, design themes, building materials, and colors used in surrounding buildings.
 - (2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies, and signs, recesses, and changes in floor level, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
 - (3) The architectural treatment of the front façade shall be continued in its major features around all visible exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Blank wall or service area treatment of side and rear elevations visible from the public views is discouraged.
 - (4) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned wherever possible. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.
 - (5) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades or others, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of the building as a whole, as shall the doors.
 - (6) Heating, ventilating and air-conditioning (HVAC) systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other

telecommunications receiving devices shall be screened or otherwise specially treated or placed to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

- (7) Street furniture such as benches, streetlamps, bicycle racks, receptacles for litter, including mandatory recycling receptacles, bus stops, landscape planters and hanging baskets shall be provided, if applicable. A standard street furnishing plan shall be established for the entire district. Options shall be established in order to permit variety. Furnishings manufactured from recycled materials shall be considered. Furnishings manufactured from local or regional sources shall be considered.

N. Snow storage and removal. Procedures for snow storage and removal shall be identified on the site plan.

O. Open space. General requirements. Except as otherwise provided herein, not less than the lesser of 25% of the development area, excluding the area of single-family lots, or 20% of the gross development area shall be designed as and devoted to common open space for use primarily by the residents of the planned development or subject to conservation easements restricting their development.

Section 5. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 6. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

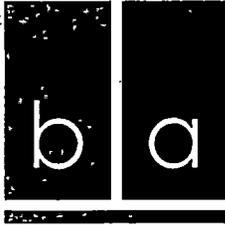
Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

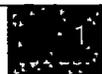
MEMORANDUM

To: West Windsor Township Council
From: David Novak PP, AICP
Subject: 2026 Housing Element and Fair Share Plan (HE&FSP)
Inclusionary Multifamily Residential Zoning Ordinances
Date: January 28, 2026
BA#: 4173.15

Introduction

The following memorandum provides a brief summary of the inclusionary multifamily residential zoning ordinances which have been prepared in conjunction with the 2026 Housing Element and Fair Share Plan (HE&FSP). These ordinances include the following:

1. Draft R-5E District;
2. Draft R-5F District;
3. Draft R-5G District;
4. Draft R-5H District;
5. Draft R-5I District;
6. Draft RP-7A and RP-7B District, and;
7. Draft R5-J District.



Draft R-5E District Ordinance

This ordinance is intended to rezone Block 7.04 Lot 1 from the ROM-1 District to a new R-5E Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 29.2 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 650 residential units, including 163 affordable units.

Draft R-5F District Ordinance

This ordinance is intended to rezone Block 86 Lot 58.02 from the B-2 District to a new R-5F Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 24 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 35 residential units, including 9 affordable units.

Draft R-5G District Ordinance

This ordinance is intended to rezone Block 7 Lots 9.01 and 31 from the R-2 District to a new R-5G Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 15.6 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 80 residential units, including 20 affordable units.

Draft R-5H District Ordinance

This ordinance is intended to rezone Block 9 Lots 83, 84, and 85 from the ROM-1 District to a new R-5H Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 11.8 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 326 residential units, including 82 affordable units.

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Draft R-5I District Ordinance

This ordinance is intended to rezone Block 7.15 Lot 12.09 from the ROM-1 District to a new R-5I Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 27.5 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 275 residential units, including 69 affordable units.

Draft RP-7A and RP-7B District Ordinance

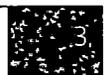
This ordinance is intended to rezone Block 5 Lot 20 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7A Princeton Junction Redevelopment Plan District, as well as rezone Block 5 Lots 62 and 76 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7B Princeton Junction Redevelopment Plan District.

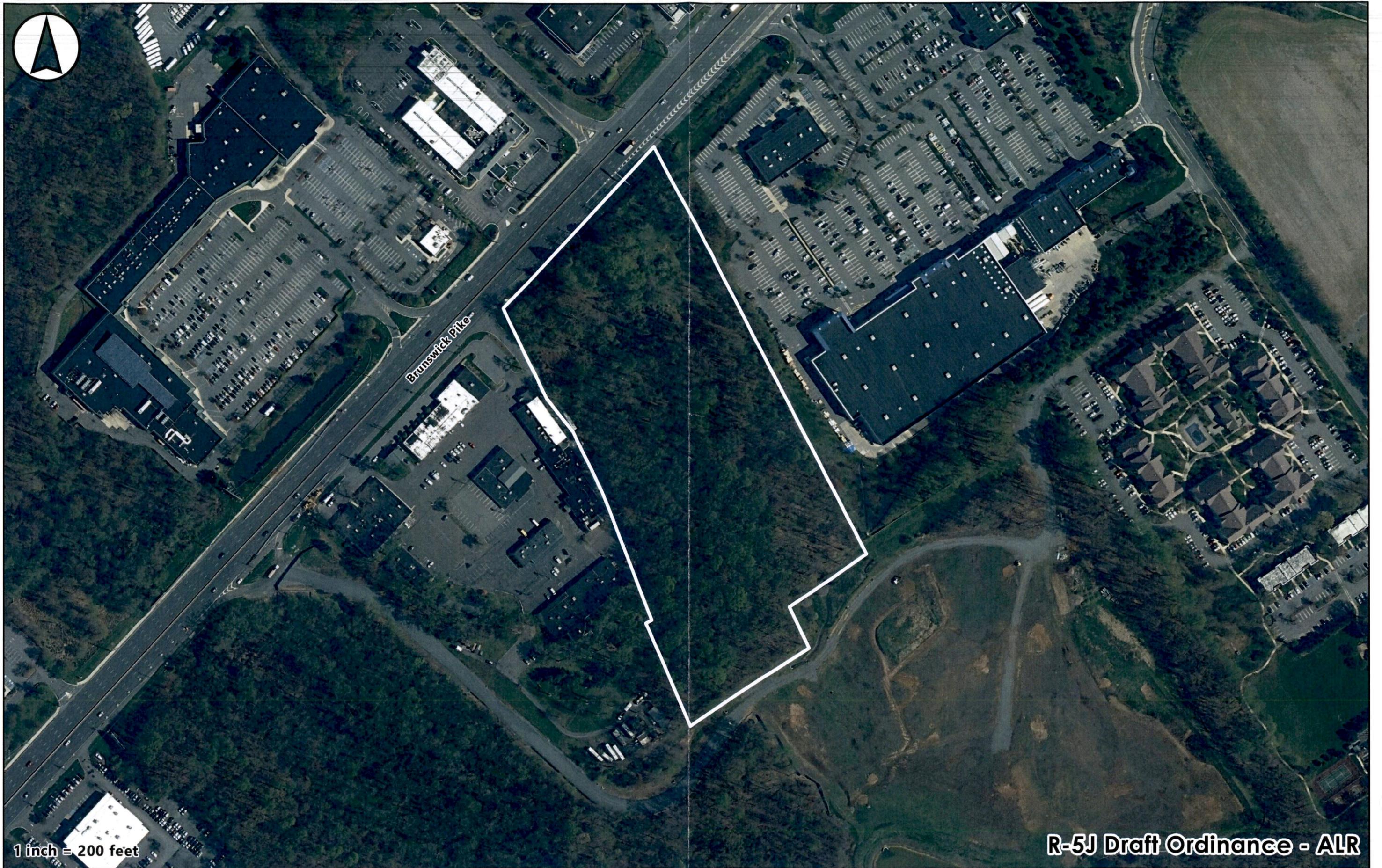
In regard to the RP-7A District, the draft ordinance offers several changes from the RP-7 District regulations. Most notably, the RP-7A District establishes a maximum density of 8.5 units per acre (whereas the RP-7 District does not establish a density requirement) and permits ground floor residential dwelling units for new buildings (whereas the RP-7 District only permits upper story apartments). It is anticipated that this district can accommodate 26 residential units, including 6 affordable units.

In regard to the RP-7B District, the draft ordinance is designed to encourage an inclusionary multifamily development. It permits a maximum density of 25 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 37 total units, including 10 affordable units.

Draft R-5J District Ordinance

This ordinance is intended to rezone Block 8 Lots 17, 24, and 30 from the B-2 District to a new R-5J Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 17.4 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 216 residential units, including 54 affordable units.





1 inch = 200 feet

R-5J Draft Ordinance - ALR

MULLER & BAILLIE, P.C.
196 Princeton-Hightstown Road
Bldg. 1, Ste. 13
West Windsor, New Jersey 08550

Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
gmuller@mullerbaillielaw.com

February 19, 2026

Sent via Electronic Transmission

Ms. Allison D. Sheehan
West Windsor Township Clerk
271 Clarksville Road
Princeton Junction, NJ 08550

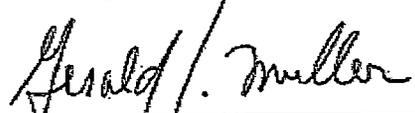
Re: Referral of Ordinances 2026-02 through -09 to Planning Board

Dear Allison:

On February 18, 2026, the Planning Board reviewed the above-referenced ordinances. By an 8-0 vote with no abstentions, it determined that Ordinances 2026-03 through -09 were consistent with the Master Plan. By a vote of 7-1, with no abstentions, it determined that Ordinance 2026-02 was consistent with the Master Plan.

Very truly yours,

Muller & Baillie, PC.
West Windsor Township
Planning Board Attorneys



By: Gerald J. Muller

REQUEST FOR COUNCIL ACTION

Date of Request: January 28, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance establishing the bulk and use standards in the RP-7A & RP-7B district.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from David Novak (Burgis & Associates) with maps dated January 16, 2026
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

[Signature] 1/28/26 [Signature] 1/28/26
Department/Division Head Date

APPROVED FOR AGENDA OF: February 9, 2026

By: [Signature] 02/04/2026
Marlena Schmid, Business Administrator

MEETING DATE: 2/9/26 Ordinance # 2026-09 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE NO. 2026-09

ORDINANCE TO AMEND AND SUPPLEMENT THE PRINCETON JUNCTION REDEVELOPMENT PLAN REGULATING PROVISIONS TO CREATE THE RP-7A & RP-7B ZONING DISTRICTS OF THE PRINCETON JUNCTION REDEVELOPMENT PLAN CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line "RP-7 of the Princeton Junction Redevelopment Plan."

RP-7A Of the Princeton Junction Redevelopment Plan

RP-7B of the Princeton Junction Redevelopment Plan

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-143, Zoning Map, is amended to read as follows.

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated July 12, 2021, and revised through March 9, 2026, which, with all explanatory matter thereon, is hereby adopted and made part of this Part 4. An official copy of said Map, indicating the latest amendments, shall be kept up-to-date in the office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. The Zoning Map of the Township of West Windsor is hereby amended to change the zoning designation of Block 5 Lot 20 to the RP-7A Princeton Junction Redevelopment Plan District.

Section 4. The Zoning Map of the Township of West Windsor is hereby amended to change the zoning designation of Block 5 Lots 62 and 76 to the RP-7B Princeton Junction Redevelopment Plan District.

Section 5. Chapter 200 of said Code, Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, is hereby amended by adding a new Section 200-266.1 entitled RP-7A District.

§ 200-266.1 RP-7A District.

- A. Purpose. The purpose of the RP-7A District is three-fold: to contribute to the "Main Street" environment envisioned by the RP-7 District by providing additional residential units within walking distance to the Princeton Hightstown Road corridor; to create an attractive mixed-use center within walking distance to the train station which will serve as a community space for residents and commuters alike; and to serve as a transition area between the mixed-use nature of the Princeton Hightstown Road corridor to the south and the residential character of Cranbury Road to the east.

An objective of this district is to achieve a desirable mix of commercial, office, civic, and residential uses within a vibrant, pedestrian-friendly, village environment with an emphasis on uses which service local needs. It is intended to encourage pedestrian flow through the area by permitting stores, shops, offices, and personal service establishments as well as residential units. This district does not envision that the ground floors of all buildings within the district will be used for commercial purposes. Rather, mixed-use buildings with ground floor commercial space are encouraged nearer the intersection of Princeton Hightstown Road and Cranbury Road, while newly constructed buildings further from this intersection may be fully residential in nature.

Ultimately, it is anticipated that the RP-7A District and the adjoining RP-7B District will be developed in a comprehensive, complementary and integrated manner.

- (1) Permitted Principal Uses. In the RP-7A District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following uses. Unless otherwise noted, all uses shall be located on the first floor.
- (a) Stores and shops for the conduct of any retail business, including specialty and gift shops and boutiques, excluding drive-through facilities.
 - (b) Personal service establishments (e.g., tailor, barbershop, spa, or beauty salon).
 - (c) Offices for professional services (e.g., lawyers, financial advisors, land use planners, or architects); small commercial offices (e.g., realtors or travel agencies); small governmental offices (e.g., post office branch); and offices incidental to uses permitted in this section. Medical offices shall not be permitted.

- (d) Restaurants, cafes, coffee and tea shops (including on-site roasting), luncheonettes and delicatessens, excluding curb service establishments and drive-through facilities but not excluding walk-up services and outdoor dining.
 - (e) Brew pubs and limited breweries.
 - (f) Indoor recreation facilities, including but not limited to instructional studios, maker spaces, fitness centers, yoga studios, and sports and wellness facilities.
 - (g) Repair and servicing, indoors only, of any article for sale which is permitted in this district.
 - (h) Banks and similar financial institutions. Banks shall include walk-up automated teller machines (ATM), provided that such are compatible with the design of the building and are appropriately located at the side or rear of a building. Drive-throughs shall not be permitted.
 - (i) Attended laundry and retail dry-cleaning services, not including bulk processing and, in the case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises.
 - (j) Book, newspaper, periodical and stationery stores and copy centers.
 - (k) Parcel package shipping stores or mailing centers.
 - (l) Museums, art galleries and other cultural and civic facilities of a similar nature.
 - (m) Parks and plazas.
 - (n) Buildings and uses for municipal purposes owned or operated by West Windsor Township or not-for-profits designated by the Township.
 - (o) Residential units which may be located on any floor as established herein, including affordable housing meeting all the standards established herein.
- (2) Permitted Accessory Uses
- (a) Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.

- (b) Off-street parking and loading , including ground-floor and basement parking.
- (c) Signs.
- (d) Street furnishings, planters, street lights, and exterior, garden-type, shade structures (gazebos).
- (e) Sidewalk cafes associated with permitted restaurants.
- (f) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
- (g) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
- (h) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated-type signs shall not be permitted.
- (i) Public service facilities.
- (j) Accessory uses customarily incidental to permitted principal uses, including structured parking for uses on-site or immediately adjacent to the RP-7A District.

B. RP-7A District Intensity, Bulk and other Regulations

- (1) Maximum FAR: 0.30. Residential units and associated residential spaces shall not be included in the FAR calculation.
- (2) Maximum improvement coverage: 80%.
- (3) Maximum Density: The maximum density for RP-7A District shall not exceed 8.5 units per acre, which shall result in no more than 26 total residential units.
- (4) Yards, as measured from the district boundary line.
 - (a) Minimum front yard setback: 8 feet.
 - (b) Minimum setback to curb: 12 feet.
 - (c) Minimum side or rear yard (each): minimum of 0 feet, if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building.

- (5) Individual lot requirements. There shall be no maximum FAR or limitation on maximum improvement coverage for individual lots within the RP-7A District. Lot widths, frontages, rear yards, side yards, front yards, lot dimensions, parking lot locations and building distances may be freely arranged and disposed of within the District. A lot need not front on a street and there are no minimum building distances for individual lots in the same building. The intent of this provision is to permit individual buildings and/or associated parking areas to exist as separate lots either through subdivision or via condominium arrangements. However, each individual lot shall be subject to and may only be improved in accordance with the final subdivision and/or site plan approval for the RP-7A in accordance with these district regulations. The board of jurisdiction shall condition final approval upon submission by the applicant and approval by the board attorney of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances that security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items will be provided.
- (6) Maximum building height:
- (a) For buildings setback less than 245 feet from Cranbury Road, the maximum building height shall be 3 stories.
 - (b) For buildings setback greater than 245 feet from Cranbury Road, the maximum building height shall be 4 stories above a basement and/or cellar.
- (7) First-floor use.
- (a) Retail or personal service uses or commercial uses are required on the first floor of existing buildings along Cranbury Road, with office or residential units only permitted on the top floor(s).
 - (b) For all new buildings or building additions constructed after the adoption of this Redevelopment Plan, residential units and/or associated residential spaces and parking garages may be constructed on the first floor.
- (8) Parking standards.
- (a) In lieu of the standards set forth in § 200-27B, the following off-street parking standards shall apply: one space for every 375

square feet of nonresidential use and one space per residential unit.

- (b) Off-street parking lots shall be accessed by means of common driveways to the extent practicable. Cross-access easements for adjacent lots with interconnected parking lots or drive aisles shall be required. Shared parking facilities are encouraged where possible.
- (c) A portion of the required off-street parking may be met through spaces in immediately adjacent districts provide that easements are provided dedicating such spaces.
- (d) Tandem parking shall be permitted in basement or first floor structured parking provided that it does not exceed 10% of the overall parking required for the District.

(9) Affordable housing.

- (a) Twenty percent (20%) of all previously approved residential units as well as twenty-five percent (25%) of all residential units approved thereafter within the RP-7A District shall be very-low, low-, and moderate-income housing. This shall result in no less than six (6) affordable units. Affordable units shall meet all of the applicable standards and requirements, including those set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and § 200-237.
- (b) At least 50% of the affordable units shall be made affordable to low-income households, and at least 13% of all rental affordable units shall be made affordable to very-low-income households earning 30% or less of the regional median household income by household size, which very-low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households.

(10) Architectural and site design standards. In addition to the standards applicable to all districts and the goals and policies, the following shall apply:

- (a) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center. Buildings shall reflect a continuity of treatment through the district, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings

of the same height; by extending horizontal lines of fenestration (windows); and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.

- (b) Signage and lighting shall be designed in a manner complementary to the building's architecture and in keeping with the goal of achieving a traditional village center.
 - (c) Pitched roofs (6/12 to 12/12) are recommended. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Generally, flat and mansard-type roofs should be avoided; however, such roof treatments may be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures and consistent with a small-scale village character. Buildings may have flat roofs, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.
 - (d) A unified design with the RP-7B District is encouraged to the greatest extent feasible.
- (11) There shall be shared parking, drive aisles, sidewalks, and cross-easements with the RP-7B District to the maximum extent practicable. Uses in the RP-7A District may also be permitted to share parking with properties in the RP-12 District.
- (12) Open Space. In lieu of the standards set forth in Section 200-36C., the following open space standards shall apply.
- (a) A comprehensive bicycle and pedestrian circulation plan shall be provided. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space amenities, as determined to be appropriate and feasible.
 - (b) The developers of the RP-7A and RP-7B District shall be responsible for improving the open space property identified as Block 5 Lot 15 recreational use.
- (13) No development shall proceed in the district without a redeveloper's agreement with the Township or redevelopment entity.

Section 6. Chapter 200 of said Code, Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, is hereby amended by adding a new Section 200-266.2 entitled RP-7B District.

§ 200-266.2 RP-7B District.

A. RP-7B District use regulations.

- (1) Purpose. The purpose of the RP-7B District is two-fold: to contribute to the "Main Street" environment envisioned by the RP-7 District by providing additional residential units within walking distance to the Princeton Hightstown Road corridor and to serve as a transition area between the mixed-use nature of the Princeton Hightstown Road corridor to the south and the residential character of Cranbury Road to the east.

This district is designed to permit a multifamily development consisting of townhouses. Ultimately, it is anticipated that this district and the adjoining RP-7A District will be developed in a comprehensive, complementary, and integrated manner.

- (2) Permitted principal uses. In the RP-7B District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following uses.

- (a) Townhouses.
- (b) Stacked townhouses.

(3) Permitted Accessory Uses

- (a) Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.
- (b) Off-street parking and loading located to the rear of principal buildings or appropriately screened from public view.
- (c) Signs.
- (d) Street furnishings, planters, street lights, and exterior, garden-type, shade structures (gazebos).
- (e) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.

- (f) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
- (g) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated-type signs shall not be permitted.
- (h) Public service facilities.
- (i) Accessory uses customarily incidental to permitted principal uses, including structured parking for residential dwelling units.

B. RP-7B District Intensity, Bulk and other Regulations

- (1) Maximum improvement coverage: 80%
- (2) Maximum Density: The maximum density for RP-7B District shall not exceed 25 units per acre, which shall result in no more than 37 total residential units.
- (3) Yards, as measured from the district boundary line.
 - (a) Minimum front yard setback: 8 feet. A front yard setback of 6 feet may be permitted, provided a setback of 15 feet to a curb is provided.
 - (b) Minimum setback to curb: 15 feet, provided a setback of 5 feet to a parking stall shall be permitted.
 - (c) Minimum side or yard (each):
 - [1] Where the building facade is parallel to the district boundary line: 10 feet.
 - [2] Where the corner of the building is tangent to the district boundary line: 8 feet.
- (4) Individual lot requirements. There shall be no limitation on maximum improvement coverage for individual lots within the RP-7B District. Lot widths, frontages, rear yards, side yards, front yards, lot dimensions, parking lot locations and building distances may be freely arranged and disposed of within the District. A lot need not front on a street and there are no minimum building distances for individual lots in the same building. The intent of this provision is to permit individual buildings and/or associated parking areas to exist as separate lots either through

subdivision or via condominium arrangements. However, each individual lot shall be subject to and may only be improved in accordance with the final subdivision and/or site plan approval for the RP-7B District in accordance with these district regulations. The board of jurisdiction shall condition final approval upon submission by the applicant and approval by the board attorney of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances that security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items will be provided.

- (5) Maximum building height:
 - (a) For buildings setback less than 75 feet from Cranbury Road, the maximum building height shall be 3 stories.
 - (b) For buildings setback greater than 75 feet from Cranbury Road, the maximum building height shall be 4 stories.
- (6) Parking standards. The number of parking spaces shall conform to the requirements set forth by the Residential Site Improvement Standards (RSIS). Visitor parking shall be permitted within the adjoining public right-of-way.
- (7) Affordable housing.
 - (a) Twenty-five percent (25%) of all residential units constructed within the RP-7B District shall be very-low, low-, and moderate-income housing meeting all of the applicable standards and requirements for affordable units, including those set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and § 200-237.
 - (b) At least 50% of the affordable units shall be made affordable to low-income households, and at least 13% of all rental affordable units shall be made affordable to very-low-income households earning 30% or less of the regional median household income by household size, which very-low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households.
- (8) Architectural and site design standards. In addition to the standards applicable to all districts and the goals and policies, and in lieu of the

standards established in § 200-30A and § 200-36B(2), the following shall apply:

- (a) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center. Buildings shall reflect a continuity of treatment through the district, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration (windows); and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.
- (b) Signage and lighting shall be designed in a manner complementary to the building's architecture and in keeping with the goal of achieving a traditional village center.
- (c) Pitched roofs (5/12 to 12/12) are recommended. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Generally, flat and mansard-type roofs should be avoided; however, such roof treatments may be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures and consistent with a small-scale village character. Buildings may have flat roofs, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.
- (d) A maximum of ten dwelling units in a single row with a minimum offset of two to four feet between every two dwelling units are encouraged. The front facade of no more than six dwelling units should be permitted in a straight line.
- (e) A minimum distance of 20 feet shall be established between buildings, exclusive of architectural accents including but not limited to nooks, notches, or bays.
- (f) Each dwelling unit shall have not less than two exposures (i.e. two window walls)d.
- (g) A unified design with the RP-7A District is encouraged to the greatest extent feasible.

- (9) There shall be shared parking, drive aisles, sidewalks, and cross-easements with the RP-7A District to the maximum extent practicable.
- (10) Open Space. In lieu of the standards set forth in Section 200-36C., the following open space standards shall apply.
 - (a) A comprehensive bicycle and pedestrian circulation plan shall be provided. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space amenities, as determined to be appropriate and feasible.
 - (b) The developers of the RP-7A and RP-7B District shall be responsible for improving the open space property identified as Block 5 Lot 15 for the recreational amenities shown on the Open Space Improvement Plan prepared by ACT Engineers, dated December 15, 2018, attached as an exhibit in the Appendix of the RP-7A and RP-7B Redevelopment Plan, subject to prior written consent and approval by the owner(s) of Lot 15 and approval(s) from governmental agencies having jurisdiction thereof.
 - (c) As a condition of future final site plan approval, the applicant shall be responsible for providing a financial contribution for the construction of a tot lot consisting of one (1) play structure, two (2) to three (3) benches, one (1) bike rack, and rubber surfacing, for the amount specified in the redeveloper's agreement.

C. Stormwater. Where it can be demonstrated at the time of Township land use board review that such on-site stormwater management measure location within the zoning district permitting that use is impractical due to engineering feasibility factors, then the Township land use board of jurisdiction may permit such measure to be located off-tract and/or out of the zoning district, provided that the following requirements are met:

- (1) All of the conditions noted in Article XXI are met, in addition to § 200-226.
- (2) Location of the measure does not hinder or discourage the appropriate development and use of the property on which it is located or the use of adjacent land and buildings.
- (3) Permanent access and easement to the measure shall be provided for preservation and for maintenance purposes.
- (4) Location of the measure shall be referenced in the deed notice required under § 200-101M and a separate deed notice shall be provided and recorded for the property upon which the measure is located.

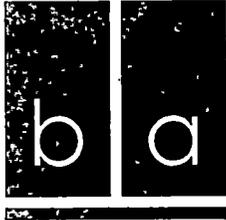
(5) Utilization of other nearby off-tract stormwater management facilities is not feasible or practicable as determined by the developer's engineer, subject to confirmation by the Township Engineer.

D. No development shall proceed in the district without a redeveloper's agreement with the Township or redevelopment entity.

Section 7. In the event of any conflict between the provisions and requirements of these sections and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern. Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding of holding of any such portion of this article to be unconstitutional, void or ineffective for any cause or reason shall not affect any other portion of these sections.

Section 8. This Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon the approval by the County review agency or sixty (60) days from the receipt of the ordinance by the County review agency if the County review agency should fail to act; and upon publication according to law.

INTRODUCTION:
PLANNING BOARD:
PUBLIC HEARING:
ADOPTION:
MAYORAL APPROVAL:
EFFECTIVE DATE:



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

Principals:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: West Windsor Township Council
From: David Novak PP, AICP
Subject: 2026 Housing Element and Fair Share Plan (HE&FSP)
Inclusionary Multifamily Residential Zoning Ordinances
Date: January 28, 2026
BA#: 4173.15

Introduction

The following memorandum provides a brief summary of the inclusionary multifamily residential zoning ordinances which have been prepared in conjunction with the 2026 Housing Element and Fair Share Plan (HE&FSP). These ordinances include the following:

1. Draft R-5E District;
2. Draft R-5F District;
3. Draft R-5G District;
4. Draft R-5H District;
5. Draft R-5I District;
6. Draft RP-7A and RP-7B District, and;
7. Draft R5-J District.



Draft R-5E District Ordinance

This ordinance is intended to rezone Block 7.04 Lot 1 from the ROM-1 District to a new R-5E Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 29.2 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 650 residential units, including 163 affordable units.

Draft R-5F District Ordinance

This ordinance is intended to rezone Block 86 Lot 58.02 from the B-2 District to a new R-5F Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 24 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 35 residential units, including 9 affordable units.

Draft R-5G District Ordinance

This ordinance is intended to rezone Block 7 Lots 9.01 and 31 from the R-2 District to a new R-5G Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 15.6 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 80 residential units, including 20 affordable units.

Draft R-5H District Ordinance

This ordinance is intended to rezone Block 9 Lots 83, 84, and 85 from the ROM-1 District to a new R-5H Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 11.8 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 326 residential units, including 82 affordable units.

Draft R-5I District Ordinance

This ordinance is intended to rezone Block 7.15 Lot 12.09 from the ROM-1 District to a new R-5I Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 27.5 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 275 residential units, including 69 affordable units.

Draft RP-7A and RP-7B District Ordinance

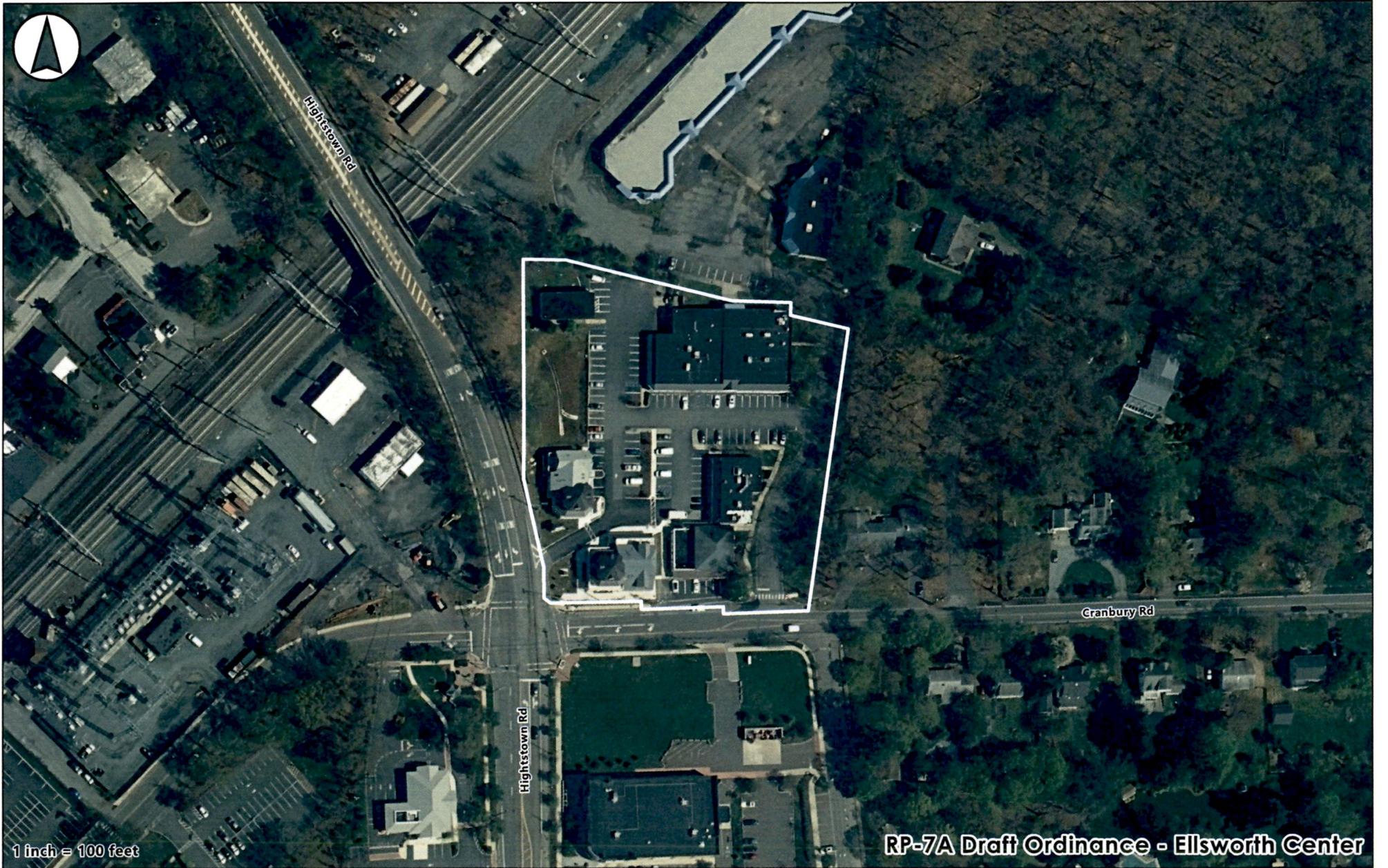
This ordinance is intended to rezone Block 5 Lot 20 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7A Princeton Junction Redevelopment Plan District, as well as rezone Block 5 Lots 62 and 76 from the RP-7 Princeton Junction Redevelopment Plan District to a new RP-7B Princeton Junction Redevelopment Plan District.

In regard to the RP-7A District, the draft ordinance offers several changes from the RP-7 District regulations. Most notably, the RP-7A District establishes a maximum density of 8.5 units per acre (whereas the RP-7 District does not establish a density requirement) and permits ground floor residential dwelling units for new buildings (whereas the RP-7 District only permits upper story apartments). It is anticipated that this district can accommodate 26 residential units, including 6 affordable units.

In regard to the RP-7B District, the draft ordinance is designed to encourage an inclusionary multifamily development. It permits a maximum density of 25 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can generate a total of 37 total units, including 10 affordable units.

Draft R-5J District Ordinance

This ordinance is intended to rezone Block 8 Lots 17, 24, and 30 from the B-2 District to a new R-5J Residence District. This district is designed to encourage an inclusionary multifamily development. It permits a maximum density of 17.4 units per acre and requires a minimum affordable housing set-aside of 25%. It is anticipated that this density can accommodate a total of 216 residential units, including 54 affordable units.



1 inch = 100 feet

RP-7A Draft Ordinance - Ellsworth Center



Hightstown Rd

Cranbury Rd

Hightstown Rd

1 inch = 100 feet

RP-7B Draft Ordinance - K. Hovnanian

MULLER & BAILLIE, P.C.
196 Princeton-Hightstown Road
Bldg. 1, Ste. 13
West Windsor, New Jersey 08550

Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
gmuller@mullerbaillielaw.com

February 19, 2026

Sent via Electronic Transmission

Ms. Allison D. Sheehan
West Windsor Township Clerk
271 Clarksville Road
Princeton Junction, NJ 08550

Re: Referral of Ordinances 2026-02 through -09 to Planning Board

Dear Allison:

On February 18, 2026, the Planning Board reviewed the above-referenced ordinances. By an 8-0 vote with no abstentions, it determined that Ordinances 2026-03 through -09 were consistent with the Master Plan. By a vote of 7-1, with no abstentions, it determined that Ordinance 2026-02 was consistent with the Master Plan.

Very truly yours,

Muller & Baillie, PC.
West Windsor Township
Planning Board Attorneys



By: Gerald J. Muller

REQUEST FOR COUNCIL ACTION

Date of Request: January 19th, 2026

Initiated By: Jason Harris

Division/Department Code Enforcement

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Refund of \$425.00 for Roof Replacement permit fee to Treps Roofing Inc. for 33 Princeton-Hightstown Rd.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Kevin Gyle 2/25/26

Department/Division Head Date

APPROVED FOR AGENDA OF: _____

By: Marlena L Schmid 03/03/2026

Marlena Schmid, Business Administrator

MEETING DATE: 3/9/26 Ordinance # _____ Resolution # 2026-R060

Council Action Taken:

RESOLUTION

WHEREAS, Jason Harris, Construction Official, has certified that the following applicant has paid \$594.00 for a permit to install a Roof Replacement (#2026-0154); and

WHEREAS, said applicant had permit for 33 Princeton Hightstown Rd cancelled by the owner; and

WHEREAS, said applicant is entitled to a refund of \$425.00 which is the permit fees minus the Plan Review fees and the DCA fees, which are nonrefundable.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the following refund be made:

<u>Applicant</u>	<u>Refund</u>
Treps Roofing Inc. 224 Woodland Street Trenton NJ 08611	\$425.00

BE IT FURTHER RESOLVED, the Township Treasurer, John J. Mauder is hereby authorized to release a refund of \$425.00.

Adopted: March 9th, 2026

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of March, 2026.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: January 19th, 2026

Initiated By: Jason Harris

Division/Department Code Enforcement

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Refund of \$250.00 for duplicate permit fee of a Radon System for 15 Berrien Ave.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Kevin Onk 2/25/26
Department/Division Head Date

APPROVED FOR AGENDA OF: _____

By: Marlena Schmid 03/03/2026
Marlena Schmid, Business Administrator

MEETING DATE: 3/9/26 Ordinance # _____ Resolution # 2026-2061

Council Action Taken:

RESOLUTION

WHEREAS, Jason Harris, Construction Official, has certified that the following applicant has paid \$254.00 for application for a permit to install a Radon System (#2026-0047); and

WHEREAS, said applicant had procured duplicate permits for 15 Berrien Avenue submitted by contractor Soos Radon & Electric Inc.; and

WHEREAS, said applicant is entitled to a refund of \$250.00 which is the permit fees minus the DCA fees, which are nonrefundable.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the following refund be made:

<u>Applicant</u>	<u>Refund</u>
Soos Radon & Electric Inc. 13 Jennings Court Hillsborough NJ 08844	\$250.00

BE IT FURTHER RESOLVED, the Township Treasurer, John V. Mauder is hereby authorized to release a refund of \$250.00.

Adopted: March 9th, 2026

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of March, 2026.

Allison D. Sheehan
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, a vacancy exists on the Human Relations Council for a Student Member; and
- WHEREAS, Sugirtha Arunagiri has expressed an interest in serving on the Human Relations Council; and
- WHEREAS, it is recommended that Sugirtha Arunagiri be appointed to serve the unexpired term as a Student Member of the Human Relations Council through January 14, 2027; and
- WHEREAS, Mayor Hemant Marathe recommends this appointment and seeks the Council's consent to appoint Sugirtha Arunagiri as a Student Member to the Human Relations Council.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following Human Relations Council appointment:

Sugirtha Arunagiri Student Member Term to Expire 1/14/2027

Adopted: March 9, 2026

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of March, 2026.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: February 18, 2026

Initiated By: Brian E. Aronson Division/Department: Buildings & Grounds/Admin.

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing Amendment No. 1 to the Professional Services Agreement with the Spiezle Architectural Group, Inc. to provide professional architectural services associated with the installation of a Fire Suppression Sprinkler System and associated Fire Alarm at the West Windsor Township Fire-EMS facility. The agreement is being amended to increase the contract total to cover additional public bidding packages above the amount in the original contract. The Township Facilities Maintenance Manager is recommending a contract amendment be awarded to the Spiezle Architectural Group, Inc. of Hamilton, NJ

SOURCE OF FUNDING:

Original Contract:

<i>Fire & Emergency Services Bldg. - General Improvements</i>	<i>405-2023-09-031</i>	<i>\$15,329.64</i>
<i>Fire & Emergency Services Bldg. - General Improvements</i>	<i>405-2024-18-027</i>	<i>\$18,390.36</i>
<i>Account Title</i>	<i>Account Number</i>	<i>Amount</i>

Contract Amendment No. 1:

Fire & Emergency Services Bldg. - General Improvements 405-2024-18-027 \$1,200.00

CONTRACT AMOUNT:

Original Contract Amount: \$33,720.00
Contract Amendment No. 1: \$1,200.00
Final Contract Amount: \$34,920.00

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution	Certification of Funds
Amendment to Agreement for Professional Services	Resolution 2025-R023
Spiezle Letter of Proposal (Exhibit A)	Facilities Maintenance Manager Memorandum

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Brian Aronson 2-20-2026
 Department/Division Head Date

APPROVED FOR AGENDA OF: March 9, 2026

By: Marlena Schmid 03/04/2026
 Marlena Schmid, Business Administrator

MEETING DATE: 3/9/26 Ordinance # _____ Resolution # 2026-R063

Council Action Taken:

RESOLUTION

- WHEREAS, the Township of West Windsor has a need to acquire professional architectural services; and
- WHEREAS, on January 15, 2025, the Township Council passed Resolution 2025-R023 authorizing a Professional Services Agreement with the Spiezle Architectural Group, Inc. of Hamilton, NJ in the amount of \$33,720.00 in conjunction with the installation of a Fire Suppression Sprinkler System and associated Fire Alarm at the West Windsor Township Fire-EMS facility; and
- WHEREAS, the Township wishes to amend the Professional Services Agreement with the Spiezle Architectural Group, Inc. to cover additional public bidding packages above the amount in the original contract; and
- WHEREAS, the total revised contract for the Spiezle Architectural Group, Inc. for professional architectural services will not exceed \$34,920.00; and
- WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following accounts

Fire & Emergency Services Bldg. - General Improvements 405-2024-18-027 \$1,200.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township, Amendment No. 1 to the Professional Services Agreement with the Spiezle Architectural Group, Inc. of Hamilton, NJ, for an amount not to exceed \$34,920.00.
- (2) The Agreement is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
- (3) All other terms and conditions of the Agreement with the Spiezle Architectural Group, Inc. dated January 15, 2025, remain in full force and effect.
- (4) An executed copy of the Agreement between the Township and the Spiezle Architectural Group, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: March 9, 2026

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of March 2026.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: February 17, 2026

Initiated By: John Taylor Department of Comm. Dev./Engineering

ACTION REQUESTED/EXECUTIVE SUMMARY:

Adoption of a resolution authorizing the awarding of a contract for the 2025 Storm Sewer Repairs at Various Locations Project to PM Construction of Hillside, New Jersey. The work under this contract includes, but is not limited to, the removal and replacement of existing storm drains in multiple locations, construction of an outlet structure, scour hole, tree and stump removal, rough grading, fine grading, concrete sidewalk, concrete curb, restoration, other incidental work and traffic control as necessary to complete the work. Eight (8) bids were received for this project and the Engineer is recommending that this contract be awarded to the lowest responsible and responsive bidder, PM Construction of Hillside, New Jersey.

SOURCE OF FUNDING:

Emergency Road and Drainage Repairs	405 2015 06 005	\$ 29,300.42
Emergency Road and Drainage Repairs	405 2016 09 004	\$ 50,000.00
Emergency Road and Drainage Repairs	405 2017 21 005	\$ 50,000.00
Emergency Road and Drainage Repairs	405 2018 15 009	\$ 50,000.00
Emergency Road and Drainage Repairs	405 2019 18 010	\$ 50,000.00
Emergency Road and Drainage Repairs	405 2020 14 011	\$ 50,000.00
Muni Facilities and Related – Sewer	405 2021 14 030	\$159,381.10
Muni Facilities and Related – Sewer	405 2022 08 032	\$118,813.79
Traffic Safety Improv. Hazard Mitigation	405 2022 08 016	\$ 12,849.69
<u>Roadway Improvements</u>	<u>405 2022 08 014</u>	<u>\$189,000.00</u>
Account Title	Account Number	Amount

CONTRACT AMOUNT: \$759,345.00

CONTRACT LENGTH: Forty-Five (45) calendar days from Notice to Proceed

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution	Affirmative Action Contract
Engineering Recommendation Memo	Business Registration Certificate
Certificate of Funds	Certificate of Information Report
Agreement	Public Works Certificate
Affidavit of Compliance	Map

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

	<u>3/4/26</u>
Department/Division Head	Date

APPROVED FOR AGENDA OF: March 9, 2026

By: Martena Schmid 03/04/2026
 Martena Schmid, Business Administrator

MEETING DATE: 3/9/26 **Ordinance #** _____ **Resolution #** 2026-2064

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need for repairs to the Municipal Storm Sewer System; and

WHEREAS, said contract was put out to public bid and the following bids were received and opened on Wednesday, December 10, 2025; and

WHEREAS, the Township has received eight (8) bids from the following bidders:

No.	Company	Bid Price
1	PM Construction	\$759,345.00
2	Anar Construction	\$780,565.00
3	Earle Asphalt Company	\$799,613.13
4	Z Brothers Concrete	\$849,805.00
5	Black Rock Enterprises	\$907,597.50
6	Messercola Excavating	\$959,799.00
7	KDP Developers	\$1,101,460.00
8	Waters & Bugbee	\$1,247,508.00

WHEREAS, the Township Engineering staff have reviewed the bids and have determined that PM Construction submitted the lowest responsible and responsive bid; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following accounts:

Emergency Road and Drainage Repairs	405 2015 06 005	\$ 29,300.42
Emergency Road and Drainage Repairs	405 2016 09 004	\$ 50,000.00
Emergency Road and Drainage Repairs	405 2017 21 005	\$ 50,000.00
Emergency Road and Drainage Repairs	405 2018 15 009	\$ 50,000.00
Emergency Road and Drainage Repairs	405 2019 18 010	\$ 50,000.00
Emergency Road and Drainage Repairs	405 2020 14 011	\$ 50,000.00
Muni Facilities and Related – Sewer	405 2021 14 030	\$159,381.10
Muni Facilities and Related – Sewer	405 2022 08 032	\$118,813.79
Traffic Safety Improv. Hazard Mitigation	405 2022 08 016	\$ 12,849.69
<u>Roadway Improvements</u>	<u>405 2022 08 014</u>	<u>\$189,000.00</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the contract for the 2025 Storm Sewer Repairs at Various Locations project be awarded to PM Construction, 1310 Central Avenue, Hillside, New Jersey 07205, and the Mayor and Clerk are authorized to execute said contract.

Adopted: March 9, 2026

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of March, 2026.

 Allison D. Sheehan
 Township Clerk
 West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: February 27, 2026

Initiated By: Anthony Esposito Division/Department: Department of Public Works

ACTION REQUESTED/ EXECUTIVE SUMMARY: Approval of a resolution authorizing an increase of an additional \$300,000.00 in the contract for Snow Removal Services with Scheideler Excavating Co., Inc., 149 Penn Lyle Rd. Princeton Junction. The original contract totaled \$70,000.00 and was awarded by the Township Council (Resolution 2025-R228) on October 27, 2025.

SOURCE OF FUNDING: Snow Recovery Trust 121407
Snow Removal-Maint. Contracts 105-41-251

CONTRACT AMOUNT: \$490,000 (with additional amount requested)

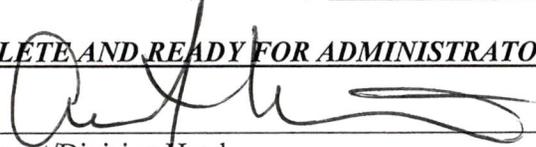
CONTRACT LENGTH: November 2025 – October 2026

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution
Certification of Funds

S:\AGENDA INBOX (file name) _____

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

 _____
Department/Division Head

3/4/2026
Date

APPROVED FOR AGENDA OF: _____

By:  03/04/2026
Marlena Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: March 9, 2026 Ordinance # _____ Resolution # 2026 - R065

Council Action Taken:

RESOLUTION

WHEREAS, the Township Council of the Township of West Windsor authorized a contract with Scheideler Excavating Co., Inc. on October 27, 2025 for Snow Removal Services (Resolution 2025-R228); and

WHEREAS, on February 2, 2026 West Windsor Township authorized to increase the contract amount with Scheideler Excavating Co., Inc., adjusting the original contract amount of \$120,000.00 to a revised contract amount of \$190,000.00 (Resolution 2026-R031); and

WHEREAS, a certification of funds for the original contract was received from the Chief Financial Officer and funds were available in the following accounts:

Snow Removal – Service/Maintenance Contracts	105-41-251	\$10,000.00
Trust/Other – Snow Removal Trust	121407	<u>\$60,000.00</u>
		\$70,000.00

WHEREAS, due to the recent onslaught of snow and ice storms; Winter Storm Hernando, a major blizzard impacting New Jersey with 2-3 feet of snow (February 23-24, 2026) and winter storm Fern which brought heavy snow and a wintery mix pf precipitation to New Jersey (January 23-24, 2026) the Township required the deployment of additional man hours not anticipated in the original contract to assist the Department of Public Works in the clearing of Township roadways; and

WHEREAS, the Chief Financial Officer has certified additional funds are available in the following accounts:

Storm Recovery Trust	121407	\$140,233.51
Snow Removal-Service/ Maint Contracts	105-41-251	\$159,766.49

NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of West Windsor authorizes John V. Mauder, Chief Financial Officer, to increase the contract amount to date by \$300,000.00 with Scheideler Excavating Co., Inc. to a revised contract total of \$490,000.00.

Adopted: March 9, 2026

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of March, 2026.

 Allison D. Sheehan
 Township Clerk
 West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: February 12, 2026

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance repealing & replacing certain sections in part 3 & part 4 Article XXXI & replacing them with provisions implementing the Uniform Housing Affordability Controls/UHAC and amended Fair Housing Act.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from Gerald Muller, Esq. & Martina Baillie, Esq. dated February 12, 2026
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

[Signature] [Signature] 2-12-26
Department/Division Head Date

APPROVED FOR AGENDA OF: March 9, 2026

By: Marlena A. Schmid 03/04/2026
Marlena Schmid, Business Administrator

MEETING DATE: 3/9/26 Ordinance # 2026-11 Resolution # _____

Council Action Taken:

MULLER & BAILLIE, P.C.
196 Princeton Hightstown Road, Bldg. 1, Suite 13
West Windsor, New Jersey

Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
mbaillie@mullerbaillielaw.com

MEMORANDUM

To: West Windsor Township Council
From: Gerald J. Muller, Esq. and Martina Baillie, Esq.
Re: Administrative Ordinances for Fourth Round Plan
Date: February 24, 2026

One component of the Fourth Round affordable housing program required by both the Fourth Round rules and the Mediation Agreement between the Township and Fair Share Housing Center is what are called administrative ordinances; they have these components in both as referenced below.

1. A housing regulations ordinance, which sets forth in great detail all the pertinent provisions of the Uniform Housing Affordability Controls and legislation and regulations adopted at the end of 2024. It is extremely detailed.
2. An affordable housing trust fund ordinance establishing the trust fund, how monies are collected, and the purposed for which they can be spent.
3. A mandatory set aside ordinance setting forth what the required set aside is for inclusionary developments in West Windsor.

The second and third ordinances could be the same as what is in the Administrative Code with relatively few changes. The first one, however, would, it was expected, necessitate a considerable expenditure of staff's time, since the many changes in affordable housing regulations in the Fourth Round had to be included.

A model ordinance for the affordable housing regulations was, we learned, being drafted by a working group including representatives of the Department of Community Affairs (NJDC), the not-for-profit Affordable Housing Professionals of New Jersey, and West Windsor's administrative agent. Fair Share Housing Center (FSHC) either participated or reviewed what was being done.

We opted to use the model ordinance, that was prepared by NJDC & FSHC, as a way of reducing staff's costs and gaining a greater assurance that the affordable housing regulations ordinance the Township drafted would be consistent with the adopted by assumedly many other municipalities in New Jersey and approved by Fair Share Housing Center.

It turned out that the model ordinance itself needed a great deal of redrafting, as it included a number of sections that were inconsistent with current affordable housing law and reduced the power of the municipality while increasing that of the DCA. The ordinance before you also incorporated the housing and trust fund spending regulations and, by reference, the mandatory set aside requirements, thus consolidating the three ordinances discussed at the outset into one.

It is necessary for the Township to adopt the redrafted affordable housing regulations ordinance before you for West Windsor to secure approval of its Fourth Round Plan.

ORDINANCE 2026-11

AN ORDINANCE TO REPEAL AND REPLACE AFFORDABLE HOUSING PROVISIONS
IN THE CODE OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE REPEALING AND REPLACING CERTAIN SECTIONS IN PART 3,
SUBDIVISION AND SITE PLAN PROCEDURES, AND PART 4, ZONING, ARTICLE
XXXI, "GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS
GOVERNING CERTAIN USES," AND REPLACING THEM WITH PROVISIONS
IMPLEMENTING THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)
AND AMENDED FAIR HOUSING ACT

BE IT ORDAINED, by Township Council of the Township of West Windsor, County of
Mercer, State of New Jersey, as follows:

Section 1. The following provisions relating to affordable housing shall be **repealed** in
Chapter 200 of the Code of the Township of West Windsor (1999), Land Use:

Part 3, Subdivision and Site Plan Procedures, Article XXIII, Housing Trust Fund: Section 200-
122; Purpose; Section 200-123, Court approval required; Section 200-124, Definitions; Section
200-125, Residential development fees; Section 200-126, Nonresidential development fees;
Section 200-127, Collection procedures; Section 200-128, Affordable Housing Trust Fund;
Section 200-129, Use of Funds; Section 200-130, Monitoring; Section 200-131, Ongoing
collection of fees.

Part 4, Zoning, Article XXXI, General Provisions and Supplemental Regulations Governing
Certain Uses: Section 200-237, Affordable housing regulations; Section 200-237.1, Municipal
Housing Liaison; Section 200-237.2, Administrative agent; Section 200-237.3, Affirmative
marketing requirements; Section 200-237.4, Enforcement of affordable housing regulations;
Section 200-240, Affordable housing fee requirement; and

These provisions shall be **replaced** by a new Section 200-237 under Part 4, Zoning, Article
XXXI, General Provisions and Supplemental Regulations Governing Certain Uses, with the
following provisions, which reflect revisions to the Uniform Housing Affordability Controls
(UHAC) promulgated by the New Jersey Housing and Mortgage Finance Agency at N.J.A.C.
5:80-26 et seq., and the amended Fair Housing Act at N.J.S.A. 52:27D-301 et seq., as well as
statutorily upheld existing regulations of the former Council on Affordable Housing (COAH) at
N.J.A.C. 5:93 and 5:97, as follows:

A. Introduction & Applicability

- (1) This section of the Code sets forth regulations regarding the very low-, low- and moderate-
income housing units consistent with the provisions outlined in P.L 2024, Chapter 2,
including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well
as the Department of Community Affairs, Division of Local Planning Services ("LPS") at

N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).

- (2) This Ordinance is intended to ensure that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item (5)(c) below.
- (3) The Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- (4) This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- (5) Applicability
 - (a) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - (b) This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
 - (c) Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

B. Definitions

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached

structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development that may be included in a municipality’s current, prior, or future housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification issued to a municipality by the Program pursuant to section 3 of P.L.2024, c. 2, that grants the municipality immunity from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance and repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development application” means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, a site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or 40:55D-36.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained

by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the fair share plan designed to meet the municipality’s fair share of its region’s present and prospective housing needs with regard to low- and moderate-income housing.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs,

which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment provision requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units are were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality’s fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality’s affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

“Rehabilitation” means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Senior center” means any recreational facility or community center with activities and services oriented towards serving senior citizens.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

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“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency’s Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

C. Monitoring and Reporting Requirements

- (1) The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - (a) The municipality shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 - (b) On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 - (c) On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

D. Municipality-wide Mandatory Set-Aside

- (1) The municipality-wide mandatory set-aside requirement is as set forth in Section 200-243.2.
- (2) In the event that the inclusionary set-aside of 25% of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit.

E. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

- (1) The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units.
- (2) Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50

75	75
90	100

(3) Design. The following design requirements apply to affordable housing developments, excluding prior round units.

(a) Design of 100 percent affordable developments:

[1] Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

[2] Each bedroom in each restricted unit must have at least one window.

[3] Restricted units must include adequate air conditioning and heating.

(b) Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.

[1] Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units for which construction has not begun.

[2] Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.

[3] Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units for which construction has not begun shall be integrated with market rate units.

[4] Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units for which construction has not begun.

[5] Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units for which construction has not begun.

[6] Each bedroom in each restricted unit must have at least one window.

[7] Restricted units must be of the same unit type as market-rate units within the same building.

- [8] Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- (c) Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section (b) above. Restricted sale units shall comply with the below:
- [1] Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
- [2] Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
- [3] Restricted units may be of different housing product types than market-rate units, provided that developments containing market-rate duplexes, townhomes, and/or single-family homes offer restricted housing options that also include duplexes, townhomes, which may be stacked townhouses, and/or single-family homes.
- [4] Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- [5] Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
- [6] Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
- [7] Each bedroom in each restricted unit must have at least one window; and
- [8] Restricted units must include adequate air conditioning and heating.
- (4) Utilities.
- (a) Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
- (b) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C. 5:80-26.13(e).

(5) Low/moderate split and bedroom distribution.

- (a) Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- (b) In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up or down in the developer's discretion to the nearest whole number shall be very low- or low-income units.
- (c) Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
- (d) Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - [1] At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - [2] Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - [3] The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded up, of the total number of low- and moderate-income units.
 - [4] At least 30% of all low- and moderate-income units, rounded up, shall be two-bedroom units.
 - [5] At least 20% of all low- and moderate-income units, rounded up, shall be three-bedroom units.
 - [6] The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
- (e) Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

(6) Accessibility requirements.

- (a) Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this

section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

- (b) Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
- [1] An adaptable toilet and bathing facility on the first floor;
 - [2] An adaptable kitchen on the first floor;
 - [3] An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - [4] An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - [5] If not all of the foregoing requirements in b.[1] through b.[4]. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
 - [6] An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such

conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.

[7] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

F. Affordable Housing Programs

Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court.

- (1) Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
 - (a) The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 - (b) Both ownership and rental units shall be eligible for rehabilitation funds.
 - (c) All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - (d) The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 - (e) The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
 - (f) Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income

requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:

- [1] If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
- [2] If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
- [3] Rents in rehabilitated units may increase annually based on the standards in UHAC.
- [4] At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

(2) Market to Affordable program (per N.J.A.C. 5:97-6.9).

- (a) The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.
- (b) At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
- (c) The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
- (d) A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.
- (e) The units shall comply with UHAC with the following exceptions:
 - [1] Bedroom distribution (N.J.A.C. 5:80-26.4).
 - [2] Low/moderate income split (N.J.A.C. 5:80-26.4).
- (f) Affordability average (N.J.A.C. 5:80-26.4); however:
 - [1] The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
 - [2] The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

(3) Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).

- (a) An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
 - [1] The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - [2] The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - [3] The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - [4] The deed restriction for the extended control period shall be filed with the County Clerk.
- (4) Assisted Living Residence (per N.J.A.C. 5:97-6.11).
 - (a) An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - (b) The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - (c) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - (d) Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - (e) Low- and moderate-income residents cannot be charged any upfront fees.
 - (f) The units shall comply with UHAC with the following exceptions:
 - [1] Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - [2] The deed restriction may be on the facility, rather than individual apartments or rooms;
 - [3] Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - (g) Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

(5) Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).

(a) The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:

- [1] Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).
- [2] Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
- [3] The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
- [4] Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
- [5] Occupancy shall not be restricted to youth under 18 years of age.
- [6] In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- [7] The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- [8] With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.

[9] Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.

[10] The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

- (a) An Affirmative Marketing Plan in accordance with the requirements set forth herein; and
- (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

[11] The sponsor/owner shall complete annual monitoring as directed by the MHL.

G. Regional Income Limits.

- (1) Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
- (2) Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
- (3) Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

H. Maximum Initial Rents And Sales Prices.

- (1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
- (2) The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
- (3) The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income.
- (4) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
- (5) The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average

that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.

- (6) The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
- (7) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (8) In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
- (9) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
- (10) The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income

is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (11) At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

I. Affirmative Marketing.

- (1) The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- (2) The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and is required to be followed throughout the period of deed restriction.
- (3) The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - (a) Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - (b) There shall be a regional preference for all households that live and/or work in Housing Region 4 comprising Mercer, Ocean and Monmouth Counties.
 - (c) Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - (d) With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-

income households that are displaced by the rehabilitation or demolition and replacement.

- (4) The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
- (5) The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
- (6) Applications for affordable housing and notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
- (7) In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. The affirmative marketing plan shall include the following community and regional organizations: Fair Share Housing Center; the Latino Action Network; Willingboro NAACP; Trenton NAACP; Mercer Alliance; HomeFront; and the Supportive Housing Association.
- (8) In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (9) The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- (10) The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

J. Selection of Occupants of Affordable Housing Units.

- (1) The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
- (2) A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

K. Occupancy Standards.

- (1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - (a) Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - (b) Provide a bedroom for every two adult occupants;
 - (c) With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - (d) Avoid placing a one-person household into a unit with more than one bedroom.

L. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years and thereafter subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
- (2) Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
- (3) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
- (4) If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
- (5) After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - (a) If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 - (b) If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
- (6) Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- (7) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

- (8) At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser/owner shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser/owner, as well as the purchaser's/owner's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (9) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

- (1) Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - (a) The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C. 5:80-26.7.
 - [1] If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - [2] If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
 - (c) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be:
 - [1] Those that render the unit suitable for a larger household or the addition of a bathroom.
 - [2] The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - (d) No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
- (2) Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example,

refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

N. Buyer Income Eligibility.

- (1) Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
- (2) Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit for which bonus credit was given pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
- (3) A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

- (4) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - (b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- (1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- (2) With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

P. Control Periods for Restricted Rental Units.

- (1) Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years and thereafter as applicable unless otherwise indicated.
- (2) Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years and thereafter until terminated. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
- (3) The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed

restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.

- (4) Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
- (5) Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- (6) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
- (7) A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit;
 - (c) The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - (d) The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Q. Rent Restrictions for Rental Units; Leases and Fees.

- (1) The initial rent for a restricted rental unit shall be set by the Administrative Agent.
- (2) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
- (3) No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - (a) Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
- (4) Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- (5) Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share

programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.

- (6) Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
- (7) Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
- (8) For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

R. Tenant Income Eligibility.

- (1) Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
- (2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of any of the circumstances in (2)(a) through (2)(e) above with the Administrative Agent, who shall counsel the household on budgeting.

S. Municipal Housing Liaison.

- (1) The Municipal Housing Liaison shall be approved by municipal resolution.
- (2) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - (a) Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - (b) The oversight of the Affirmative Marketing Plan and affordability controls.
 - (c) When applicable, overseeing and monitoring any contracting Administrative Agent.
 - (d) Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - (e) Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - (f) Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - (g) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - (h) Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 - (i) Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in the regulations set forth herein has been duly recorded.
 - (j) Listing on the municipal website contact information for the MHL and Administrative Agents.

T. Administrative Agent.

- (1) All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
- (2) The fees for administrative agents shall be paid as follows:
 - (a) Administrative agent fees related to rental units shall be paid by the developer/owner.
 - (b) Administrative agent fees related to initial sale of units shall be paid by the developer.
 - (c) Administrative agent fees related to resales shall be paid by the seller of the affordable home.

- (d) Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
- (3) An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
- (4) The duties and responsibilities of the Administrative Agent are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - (a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - (b) Affirmative marketing:
 - [1] Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - [2] Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - (c) Household certification.
 - [1] Soliciting, scheduling, conducting and following up on interviews with interested households.
 - [2] Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - [3] Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
 - [4] Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - [5] Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - [6] Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
 - (d) Affordability controls.
 - [1] Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - [2] Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County

Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.

- [3] Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
- [4] Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

(e) Records retention.

- [1] Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
- [2] Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.

(f) Resales and re-rentals.

- [1] Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
- [2] Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.

(g) Processing requests from unit owners.

- [1] Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
- [2] Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
- [3] Notifying the municipality of an owner's intent to sell a restricted unit.
- [4] Making determinations on requests by owners of restricted units for hardship waivers.

(h) Enforcement.

- [1] Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- [2] Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in

any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

- [3] Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
- [4] Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
- [5] Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

- (i) The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

U. Responsibilities of The Owner of a development containing affordable units.

- (1) The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - (a) Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - (b) The total number of units in the project and the number of affordable units.
 - (c) The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - (d) Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - (e) A projected construction schedule.
 - (f) The location of any common areas and elevators.
 - (g) The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
- (2) In addition to the requirements set forth herein, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
 - (a) Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit

at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.

- (b) Provide to the administrative agent a description of any applicable fees.
 - (c) Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - (d) Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - (e) Provide to the administrative agent a proposed form of lease for any rental units.
 - (f) Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - (g) Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
- (3) In addition to the requirements set forth herein, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- (a) Proposed pricing for all units, including any purchaser options and add-on items.
 - (b) Condominium or homeowner association fees and any other applicable fees.
 - (c) Estimated real property taxes.
 - (d) Sewer, water, trash disposal, and any other utility assessments.
 - (e) Flood insurance requirement, if applicable.
 - (f) The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

V. Enforcement of Affordable Housing Regulations

- (1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (2) After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the

regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

- [1] A fine as set forth in Subsection 3;
 - [2] In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - [3] In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (3) The municipality shall have the authority to levy fines against the owner, developer or tenant of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
 - (4) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - (a) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- (c) Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
 - (e) Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - (f) The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- (5) It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
- (6) Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if

such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

(7) The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

(8) Appeals

(a) Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

W. Development Fees.

(1) Purpose

(a) This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

(2) Basic Requirements

(a) The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.

(b) The municipality shall not spend development fees until the court has approved a plan for spending such fees.

(3) Residential Development Fees

(a) Imposed fees

[1] Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

[2] When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance

application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

(b) Eligible exactions, ineligible exactions and exemptions for residential development

- [1] Affordable housing developments shall be exempt from development fees.
- [2] Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- [3] Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- [4] No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire, flood, or natural disaster.
- [5] No development fee shall be collected for additions to residential structures such as decks.
- [6] Not-for-profit developers shall be exempt.

(4) Non-Residential Development Fees

(a) Imposition of fees

- [1] Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- [2] Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- [3] Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the

difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

(b) Eligible exactions, ineligible exactions and exemptions for non-residential development

[1] The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.

[2] The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

(d) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

(e) If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

(5) Collection Procedures

(a) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Zoning Officer responsible for the issuance of a zoning permit.

(b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The Zoning Officer shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- (c) The Zoning Officer responsible for the issuance of a zoning permit shall notify the Tax Assessor of the issuance of the first zoning permit for a development that is subject to a development fee.
 - (d) Within 90 days of receipt of that notice, the Tax Assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
 - (e) The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Zoning Officer and Tax Assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
 - (f) Within 10 business days of a request for the scheduling of a final inspection, the Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development and calculate the development fee. The Zoning Office shall notify the developer of the amount of the fee.
 - (g) Should the Township of West Windsor fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
 - (h) Fifty percent (50%) of the development fee shall be collected at the time of issuance of the zoning permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of the zoning permit and that determined at the time of issuance of certificate of occupancy.
 - (i) No certificate of occupancy shall be issued to the developer until all developer fees have been paid in full.
- (6) Appeal of development fees
- (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by West Windsor Township. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (b) A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by West Windsor Township. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (7) Affordable Housing Trust Fund

- (a) West Windsor has established a separate, interest-bearing Affordable Housing Trust Fund that is maintained by the Chief Financial Officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
 - (b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - [1] Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with West Windsor Township and if approved prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - [2] Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - [3] Rental income from municipally operated units;
 - [4] Repayments from affordable housing program loans;
 - [5] Recapture funds;
 - [6] Proceeds from the sale of affordable units; and
 - [7] Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
 - (c) All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.
- (8) Use of Funds
- (a) The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; regional housing partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
 - (b) Funds shall not be expended to reimburse West Windsor Township or activities that occurred prior to the authorization of West Windsor Township to collect development fees.
 - (c) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable

units included in the municipal Fair Share Plan. One third of the affordability assistance portion of the development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income for Housing Region 4, in which West Windsor is located.

[1] Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described in the Spending Plan.

[2] Affordability assistance for households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in a municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very low-income affordability assistance shall be identified and described in the Spending Plan.

[3] Payments in lieu of constructing affordable housing units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

(d) West Windsor may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

(e) No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an affirmative marketing program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

(9) Monitoring

(a) On or before February 15 of each year, West Windsor Township shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of

the expenditures of revenues and implementation of the Spending Plan approved by the Court.

(10) Ongoing Collection of Fees

- (a) The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- (b) If West Windsor Township does not pursue authorization to impose and collect development fees after to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

Section 2. In the event of any conflict between the provisions and requirements of this section and any other ordinance or code provision, the provisions and requirements of this Ordinance shall govern.

Section 3. If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication, as required by law.

Introduction:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date: